BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 230/2016

Date of institution ... 11.03.2016
Date of judgment ... 10.05.2017

Imtiaz Muhammad, Ex-Sub Engineer, PHE Division, Nowshera.
R/o Village Badraga, PO Dagi, Tehsil Razar, District Swabi.

... (Appellant)

VERSUS

1. The Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary to Govt: of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar.
3. The Chief Engineer (South) Public Health Engineering Department Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 11.11.2015 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF REMOVAL FROM SERVICE WITH RECOVERY OF PECUNIARY LOSS OF RS. 791999/- AGAINST WHICH APPELLANT REFERRED REVIEW PETITION ON 19.11.2015 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Mr. Khalid Rehman, Advocate. .. For Appellant
Mr. Sardar Ali Raza, Advocate.
Mr. Usman Ghani, District Attorney .. For respondents.

MR. AHMAD HASSAN .. MEMBER (EXECUTIVE)
MR. MUHAMMAD AMIN KHAN KUNDI .. MEMBER(JUDICIAL)

JUDGMENT

AHMAD HASSAN, MEMBER: Imtiaz Muhammad, Ex-Sub Engineer hereinafter referred to as appellant, through the instant appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned notification dated 11.11.2015 whereunder major penalty of removal from service with recovery of pecuniary loss of Rs. 791999/- was imposed on him, against which appellant preferred review petition on 19.11.2015 but the same was not disposed of within the statutory period of 90 days.

2. Brief facts of the case giving rise to the instant appeal are that the appellant was serving as Sub-Engineer in the Public Health Engineering Department. On receipt of a written complaint lodged by respondent No.3 regarding alleged irregularities in the Water Supply and Sanitation Scheme of "Sadu Khel/Asha Khel District Nowshera," the appellant was suspended from service vide notification dated 03.01.2014. Disciplinary proceedings were initiated by serving Charge Sheet and Statement of Allegations on charges of inefficiency, misconduct and corruption. In response to the same appellant submitted detailed reply. After observing codal formalities major penalty of removal from service alongwith recovery of Rs. 791999/- was imposed on him vide impugned order dated 11.11.2015. He filed departmental appeal on 19.11.2015 but the same was not disposed of within the statutory period of 90 days, hence the instant service appeal.

3. Learned counsel for the appellant argued that some irregularities were noticed in the execution of "Water Supply and Sanitation Scheme in Sadu Khel/Asha Khel, District Nowshera". Pipe Line at Sadu Khel/ Asha Khel was laid according to the approved plan/specification and technical sanction(TS). Respondent No.3 in the DDWP meeting held on 06.09.2013 confirmed that due to flood some pipe washed away, some was stolen and remaining was in the custody of the contractor. He suggested that pipe should be deducted in the revised PC-I, which was agreed by the forum. During execution of the scheme the locals of the above village were not allowing the labour to work and were also involved in uprooting the pipes and the matter was also reported to the police on 17.05.2010 and 25.05.2010. It is known to everyone that locals of the area removed the pipes and the Executive Engineer, PHE Division, Nowshera reported the matter to the Police vide letter dated 17.12.2013 and SDO through letter dated 30.12.2013. These facts were also brought to the notice of the enquiry committee that pipes stolen by the locals were still in their possession. Despite admission by the Chief Engineer in the meeting held on 06.09.2013 and reports lodged with local police pipes were not recovered from the locals, while proposed recovery of loss sustained by the govt: exchequer from the appellant is beyond comprehension. The appellant remained attached with the project till May, 2010 and during that period the scheme was completed. The Scheme

could not be activated for want of electricity connection though advance payment was made to WAPDA. However, complaint was lodged after three years when the new Government came into power. It was alleged that pipe was laid longitudinally in the nullah but actually it was a dry "Khuwar" and not "Nullah" and pipes were laid in accordance with specification and technical sanction. It is quite strange that no action was taken against the contractor and even security to the tune of Rs. 600000/- was also released. He was transferred to Dir Lower on 24.05.2010. The charge of the post was handed over to Umer Hayat, Sub-Engineer who completed the remaining portion of rising main of Sadu Khel Section while work on distribution was already completed during the tenure of the appellant. The enquiry committee failed to bring solid documentary evidence in support of the charges leveled against the appellant. Regular enquiry was not conducted in this case in accordance with law and rules and opportunity of defense was denied to the appellant. Despite written request opportunity of cross examining the witnesses was denied to the appellant. He was also not afforded opportunity of personal hearing. Double punishment was awarded to the appellant in violation of law and rules. The said scheme was also operationalized and PC-IV duly signed by the XEN concerned and others was handed over to the Finance Department for creation of posts for operational staff on 15.03.2011 which were accordingly sanctioned without raising any objection and appointments were also made

4. Learned District Attorney while resisting the appeal argued that enquiry was conducted in the mode and manners prescribed in the rules. The enquiry committee in its report held that standard specification of PHED were not followed while laying pipes on ground/rocky surface no proper clamping was observed due to non installation of the distribution system of the scheme. The payment was made in advance without execution of work at site. The enquiry committee also assessed the losses caused to the government exchequer and proportionate share of the appellant and others was also worked out. Though the scheme was completed on 30.06.2010 but was not operationalized due to non existence of raising/pumping main and distribution system in the village.

5. We have heard arguments of learned counsel for the appellant and learned District Attorney for the respondents and have gone through the record available on file.

6. A plain reading of the enquiry report reveals indifferent, callous, unprofessional and casual attitude/approach of the enquiry committee in conducting enquiry in the case in hand. Their lackluster and poor performance is evident from para-4 of the enquiry report when they proposed that a departmental committee of senior level engineers may be constituted for determining the exact loss caused to the government which shall be recovered from the accused officers/officials according to their role and responsibility. We are at a loss to understand that if the matter was to be probed by a departmental committee then what was the task/mandate and responsibility of the enquiry committee constituted by the Chief Minister Khyber Pakhtunkhwa to probe this case. In addition to this in para-3 of the recommendations, the committee proposed imposition of minor penalty and recovery of loss sustained by government from the accused officers/officials. It may not out of place to mention here that their mandate was restricted only to the extent whether charges leveled against the appellant and others were proved or not. As such this recommendation was against the spirit of E&D Rules, 2011. In view of inherent contradictions, discrepancies and shortcomings in the inquiry report the respondent no. 3 (Secretary P.H.E) vide letter dated 16/6/2014 directed the enquiry committee to review its earlier report. Again revised report was submitted on 9/9/2014 after making cosmetic changes and without doing justice with the assigned task. Modus operandi adopted by the member technical further made the inquiry report sketchy and controversial, when he wrote a letter to the Secretary PHE Department on 02.09.2014 to get required calculations about losses. It was received by the XEN Nowshera on 08.09.2014, while the supplementary report was submitted on 09.09.2014. The enquiry committee further deviated from their basic responsibility when they approached the Executive Engineer PHED Nowshera vide letter dated 3/7/2014 to provide/work out the details of losses caused to the government exchequer due to the negligence of accused officers/officials. Primarily it was the responsibility of the enquiry to workout/assess these details. As measurements were not carried out by the enquiry committee then how exact losses were ascertained?. It makes the whole

exercise dubious and controversial. It is a well-settled principle that prosecution brings oral/documentary evidence on record in support of charges leveled against the accused, hence, burden is shifted on the accused to prove his innocence and belie the prosecution evidence, but the respondents failed to bring any solid documentary evidence against the accused on record. As required under the rules copy of enquiry report was not annexed with the show cause notice served on appellant. Only copy of supplementary report was provided. Pipe Line at Sadu Khel/ Asha Khel was laid according to the approved plan/specification and technical sanction(TS). Respondent No.3 in the DDWP meeting held on 06.09.2013 confirmed that due to flood some pipe washed away, some was stolen and remaining was in the custody of the contractor. He suggested that pipe should be deducted in the revised PC-I, which was agreed by the forum. During execution of the scheme the locals of the above village were not allowing the labour to work and were also involved in uprooting the pipes and the matter was also reported to the police on 17.05.2010 and 25.05.2010. It is known to everyone that locals of the area removed the pipes and the Executive Engineer, PHE Division, Nowshera reported the matter to the Police vide letter dated 17.12.2013 and SDO through letter dated 30.12.2013. These facts were also brought to the notice of the enquiry committee that pipes stolen by the locals were still in their possession. Despite admission by the Chief Engineer in the meeting held on 06.09.2013 and reports lodged with local police pipes were not recovered from the locals, while proposed recovery of loss sustained by the govt: exchequer from the appellant is beyond comprehension. The appellant remained attached with the project till May, 2010 and during that period the scheme was completed. The Scheme could not be activated for want of electricity connection though advance payment was made to WAPDA. However, complaint was lodged after three years when the new government came into power. It was alleged that pipe was laid longitudinally in the nullah but actually it was a dry "Khuwar" and not "Nullah" and pipes were laid in accordance with specification and technical sanction. It is quite strange that no action was taken against the contractor and even security to the tune of Rs. 600000/- was also released. He was transferred to Dir Lower on 24.05.2010. The charge of the post was handed over to Umer Hayat, Sub-Engineer who completed the remaining portion of rising main of Sadu Khel Section while work on distribution was already completed during the tenure of the

appellant. Double punishment was awarded to the appellant in violation of law and rules. The said scheme was also operationalized and PC-IV duly signed by the XEN concerned and others was handed over to the Finance Department for creation of posts for operational staff on 15.03.2011 which were accordingly sanctioned without raising any objection and appointments were also made. The appellant was also denied opportunity of personal hearing by the competent authority and statements of witnesses were also not recorded nor the appellant was provided an opportunity to cross examine the witnesses. It is a big question mark that despite lodging report with Police about stolen pipes no action was taken against the culprits while the appellant was penalized. The charge sheet and statement of allegations appear generalized, vague and inconclusive, as clear demarcation of roles and responsibilities of accused officers/officials extent of their involvement in this case has not been clearly spelt out.

7. In view of the fore-going, we are constrained to accept the instant appeal by setting aside the impugned order dated 11.11.2015 and appellant is reinstated into service from the date of removal from service and direct to the respondents to conduct *de-novo* enquiry strictly in accordance with law and rules within a period of three months from the date of receipt of this judgment. Issue of back benefits shall be subject to outcome of the *de-novo* inquiry. Appellant may be fully associated with the inquiry proceedings. All formalities given in the rules must be observed. If the respondents failed to conduct the *de-novo* enquiry within the stipulated period, the appellant shall be deemed to have been reinstated in service from the date of removal from service with all back benefits.

8. Our this single judgment will also dispose of in the same manner appeals No. 267/2016 titled Umar Hayat, No. 314/2016 titled M. Yousaf Jan and No.214/2016, titled Nasir Latif Baloch where common question of law and facts are involved.

ANNOUNCED
10.05.2017

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.04.2017 Appellant alongwith his counsel present. Mr. Muhammad Amin, Superintendent and Basharat Ali, Assistant alongwith Mr. Usman Ghani, Senior Government Pleader for the respondents also present. Arguments heard. To come up for order on 10.05.2017. Till further orders recovery shall not be made from the appellant.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

10.05.2017 Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Amin, Supdt and Basharat Ali, Assistant for respondents present.

Vide our detailed judgment of today consists of six pages placed on file, we are constrained to accept the instant appeal by setting aside the impugned order dated 11.11.2015 and appellant is reinstated into service from the date of removal from service and direct to the respondents to conduct de-novo enquiry strictly in accordance with law and rules within a period of three months from the date of receipt of this judgment. Issue of back benefits shall be subject to outcome of the de-novo inquiry. Appellant may be fully associated with the inquiry proceedings. All formalities given in the rules must be observed. If the respondents failed to conduct the de-novo enquiry within the stipulated period, the appellant shall be deemed to have been reinstated in service from the date of removal from service with all back benefits. Parties are however, left to bear their own costs. File be consigned to the record room.

Announced
10.05.2017

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

230/2016

20.01.2017 Appellant with counsel, Mr. Muhammad Yasin, Superintendent & Basharat Khan, Assistant alongwith Mr. Ziaullah, GP for respondents present. Learned counsel for appellant Mr. Khalid Rahman, Advocate is in attendance but arguments could not be heard as the two identical appeals emerging the same inquiry has been adjourned due to absence of their counsel. To come up for arguments on 22.02.2017 before D.B. Till further orders recovery shall not be made from the appellant.

(AHMAD HASSAN)
MEMBER

(ASHFAQUE TAJ)
MEMBER

22.02.2017 Clerk to counsel for the appellant and Addl: AG for respondents present. Argument could not be heard due to general strike of the bar. To come up for arguments on 17.03.2017 before D.B.

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

17.03.2017 Appellant in person and Addl: AG alongwith Mr. Muhammad Yaseen, Supdt and Mr. Basharat, Assistant for respondents present. Appellant requested for adjournment. Adjourned. To come up for arguments on 20.04.2017. Till further orders recovery shall not be made from the appellant.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

23.06.2016 Appellant in person, M/S Muhammad Yaseen, Superintendent and Muhammad Ali, Superintendent alongwith Additional AG for respondents present. Written reply not submitted and requested for further time. Last chance given for submission of written reply. File to come up for written reply/comments on 02.08.2016 before S.B alongwith connected appeals. The restraint order shall continue.

MEMBER

02.08.2016 Counsel for the appellant and Mr. Muhammad Yasin, Superintendent alongwith Additional AG for respondents present. Written reply not submitted despite last opportunity. Requested for further time. Another last opportunity granted. To come up for written reply/comments on 25.08.2016 before S.B alongwith connected appeals. Till further orders recovery shall not be made from the appellant.

MEMBER

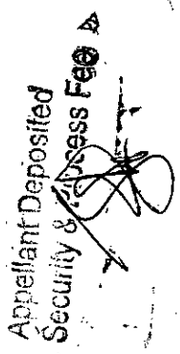
25.08.2016 Clerk to counsel for the appellant M/S Muhammad Ali, Supdt and Yasin Khan, Supdt alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 3.10.2016. Till further recovery shall not be made from the appellant.

Chairman

22.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Sub-Engineer in PHE Department when subjected to inquiry on the allegations of corruption, misappropriation, professional misconduct and inefficiency and removed from service vide impugned order dated 11.11.2015 where-against he preferred departmental representation on 19.11.2015 which was not responded and hence the instant service appeal on 11.3.2016.

That the appellant was afforded no opportunity of hearing and that the inquiry was not conducted in the prescribed manners and, moreover, no opportunity of cross-examination was extended to the appellant and, furthermore, the appellant is awarded two punishments and as such the impugned order is against facts and law and liable to be set-aside.



Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.4.2016 before S.B. Notice of stay application be also issued for the date fixed. Till further orders no recovery be made from the appellant.

Chairman

28.4.2016

Appellant in person and M/S. Muhammad Yaseen, Supdt. and Muhammad Ali Supdt. alongwith Addl. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 23.06.2016 before S.B. The restraint order shall continue.

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. **230/2016**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.03.2016	The appeal of Mr. Imtiaz Muhammad presented today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2	21-3-2016	This case is entrusted to S. Bench for preliminary hearing to be put up thereon 22-3-16. CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230 /2016

Imtiaz Muhammad ..... Appellant

Versus

The Govt. of KPK and others.....Respondents

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Appellant

Through

Khaled Rehman
Advocate
Supreme Court of Pakistan
3-D, Haroon Mansion
Khyber Bazar, Peshawar

Dated: ____/03/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230 /2016

Imtiaz Muhammad.
Ex-Sub Engineer
PHE Division, Nowshera
R/o Village Badraga, PO Dagi,
Tehsil Razar, District Swabi .....Appellant

Versus

1. **The Govt. of Khyber Pakhtunkhwa**
through Chief Secretary,
Civil Secretariat, Peshawar.

2. **The Secretary**
to Govt. of Khyber Pakhtunkhwa
Public Health Engineering Department.

3. **The Chief Engineer (South)**
Public Health Engineering Department
Khyber Pakhtunkhwa, Peshawar.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 11.11.2015 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF REMOVAL FROM SERVICE WITH RECOVERY OF PECUNIARY LOSS OF RS.791999/- AGAINST WHICH APPELLANT PREFERRED REVIEW PETITION ON 19.11.2015 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 11.11.2015 may graciously be brushed aside by reinstating the appellant into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

That the appellant was serving as Sub-Engineer in the Public Health Engineering Department, having 23 years service at his credit with unblemished service record. During the relevant days, he was posted as Sub-Engineer, Public Health

Engineering Division, Nowshera.

2. **That** pursuant to the written complaint dated 28.11.2013 (***Annex*:-A**) by Respondent No.3, appellant was suspended vide Notification 03.01.2014 (***Annex*:-B**) on account of the alleged irregularities in the ***Water Supply and Sanitation Scheme of Sadu Khel/Asha Khel*** District Nowshera. He was also issued Charge Sheet and Statement of Allegations vide letter dated 03.01.2014 (***Annex*:-C**) alleging inefficiency, misconduct & corruption therein. In response to the same appellant submitted his detailed reply (***Annex*:-D**) thereby explaining his position and denying the charges. The reply to the Charge Sheet may also be considered as an integral part of this appeal.

3. **That** the Enquiry Committee then conducted the enquiry and submitted its report (***Annex*:-E**) copy of which was obtained by the appellant after submitting application there-for. Moreover, certain queries raised by the Enquiry Committee during the proceedings were also clarified in writing (***Annex*:-F**) fully supported by documents which may also be considered as part and parcel of the appeal. At the close of enquiry appellant also submitted an application (***Annex*:-G**) for the cross-examining the witnesses produced against him but the same was not considered.

4. **That** Final Show Cause Notice (***Annex*:-H**) was then issued to the appellant which too was replied (***Annex*:-I**) in detail. The reply to the Show Cause Notice may also be taken as an integral part of this appeal.

5. **That** inspite of the clarification as aforesaid, vide impugned Notification dated 11.11.2015 (***Annex*:-J**) appellant was imposed upon the major penalty of removal from service with recovery of Rs.791,999/-. The impugned Notification was then called in question through Petition for Review (***Annex*:-K**) on 19.11.2015 but the same was not disposed of within the statutory period of 90 days, hence this appeal inter-alia on the following grounds:-

Grounds:

A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification, which is unjust, unfair and hence not sustainable in the eye of law.

B. **That** the charges leveled against the appellant are baseless, ill-founded and have nothing to do with the actual facts on the ground and were therefore not entertainable. Moreover, the charges leveled against the appellant are sweeping, uncertain, ambiguous and therefore are against the law and hence not tenable.

C. **That** the Pipeline of Sadu Khel/Asha Khel was laid as per the approved plan/Technical Sanctioned (TS) Estimate according to the standard specification of PHED. In this regard the work of Asha Khel Section is a speaking proof of executing works in accordance with the standard specification of PHED as the same is satisfactorily working and no defect has been noticed therein similarly Respondent No.3 confirmed the completion of the work in the DDWP meeting held on 06.09.2013 chaired by the Addl: Chief Secretary, Khyber Pakhtunkhwa. Moreover, the general abstract (***Annex*:-L**) of cost of Annual Maintenance and Repair (AM&R) of the Water Supply Schemes in District Nowshera adversely affected due to flood of 2010 confirmed the fact that no damage has been occasioned to the Scheme.

D. **That** under the law only a single penalty can be imposed but appellant has been imposed upon double punishments one in the shape of removal from service and the other for the recovery of the so called losses, which is illegal and not legally maintainable.

E. **That** no regular inquiry was conducted into the matter which is the mandatory requirement of law inas much as neither appellant has been associated with the inquiry proceedings nor was he provided a meaningful opportunity of defence. Since no regular inquiry was held, therefore, the impugned Notification is void ab initio, arbitrary and hence not sustainable in the eye of law. It is also to be added here that the Inquiry Committee failed to visit the site spot (the subject Scheme) in presence of the appellant and neither examined any witness in this regard nor prepared spot note.

F. **That** by now it is a settled principle of law enunciated by the superior fora that where a major penalty is to be imposed then in that eventuality regular enquiry cannot be dispensed with. The inquiry in the case in hand was done in irregular fashion which does not warrant the any penalty muchless major.

G. **That** the controversy was quite factual in nature and for resolving such factual controversy, the only alternative was to hold a full-fledged regular enquiry by collecting documentary and oral evidence in support of the charge and confronting the appellant with the same by providing proper opportunity of cross-

examination but misfortunately the same was not done which has resulted in serious miscarriage of justice.

H. **That** appellant was also deprived of the opportunity of personal hearing and thus he was condemned unheard which is against the principle of natural justice and therefore, the impugned Notification in absence of the legal requirement is also unlawful and thus not maintainable.

I. **That** the Pipeline of Rising Main and distribution system of village Sadu Khel is admittedly missing and it was the responsibility of the Inquiry Committee to have investigated the issue on this line. During the execution of the Scheme the locals of the village Sadu Khel were not allowing the labourers to work and were indulged in extracting/uprooting the pipes, therefore, the matter was reported to the Police vide letters dated 17.05.2010 and 25.05.2010 (***Annex*:-M**) and it was thereafter that the intervention was stopped and the work completed according to standard specification of PHED. It is known to everybody that the locals of the village Sadu Khel and Kanrah Khel have removed the pipes. The Executive Engineer PHE Division, Nowshera vide his letter dated 17.12.2013 (***Annex*:-N**) and the SDO letter dated 30.12.2013 (***Annex*:-O**) addressed to the SHO PS Nowshera Kalan requesting for recovery of the pipes which fact was also brought into the notice of the Inquiry Committee which clearly suggests that pipes were stolen by the locals and interestingly the same are still lying with them and similarly the Respondent No.3 vide letter dated 11.09.2013 (***Annex*:-P**) has directed the Executive Engineer PHE Division, Nowshera to take into the account the available material/GI Pipes and Rising Main of WSS Sadu Khel lying idle at the earliest but no action was taken. The local Police did not take proper action and only have recorded the statements (***Annex*:-Q**) of a few persons who have admitted that the pipes are lying in their houses as a national trust instead of action against the culprits, the appellant has been made a scapegoat through the impugned Notification which is unjust, unfair and therefore, liable to be set aside.

J. **That** since the commencement of the subject scheme, appellant remained attached therewith till May, 2010 and completed the scheme in all respect and no complaint whatsoever was raised during long three years from anyone of the concerned vicinity and thereafter on the change of political Govt., the new Minister of the Department made a complaint based on political rivalry vide letter dated nil (***Annex*:-R**) which resulted in the proceedings against the appellant although the appellant was transferred to Dir Lower vide office order dated 24.05.2010 (***Annex*:-S**). The charge of the post of Sadu Khel Section was then handed-over to Umar Hayat, Sub-Engineer, who was already Incharge of the

Asha Khel Section of the same Division. He completed the remaining portion of Rising Main of Sadu Khel Section while work on distribution line was already completed during tenure of the appellant. The Sub-Engineer remained posted there till 2015 but no action whatsoever has been taken against him which reflects the malafide and discriminatory attitude of the Respondents against the appellant.

K. **That** it has been alleged that the pipe was laid longitudinally in the nulla but in fact there is no nulla and in fact it is a *dry Khuwar* and even agricultural lands, residential and government buildings are there and the pipes were laid in accordance with the specification and technical sanction.

L. **That** the Inquiry Committee has failed to bring home the charge leveled against the appellant by collecting the evidence against him. No documentary or oral evidence has been taken in support of the charge nor appellant have been provided opportunity of cross-examining the witnesses inspite of his application for summoning such witnesses for cross-examination of the appellant.

M. **That** inspite of the fact that appellant has established by documentary proof that the missing pipe was not only taken away by the locals and still lying with them and that the matter was properly brought into the notice of concerned authorities, as the Respondent No.3 confirmed the same in DDWP meeting held on 06.09.2013. The Inquiry Committee did not bother to inquire into the fact and jumped to the conclusion without any basis for holding the appellant responsible.

N. **That** in view of the availability of the pipe lying with the locals due to inaction on the part of the concerned authorities to recover the same, the imposition of recovery of loss of such pipes is quite illegal and therefore, is not sustainable in the eye of law. Appellant has been burdened with the responsibility for the fault of others without any justification muchless lawful.

O. **That** it is also pertinent to submit here that the Departmental Development Working Program (DDWP) in its meeting held on 06.09.2013 (***Annex*:-T**) approved a new WSS for Village Duran and incorporated the shortcomings of the Water Supply Scheme Sadu Khel area as a Phase-II which was presented by the Department which was chaired by the Addl: Chief Secretary, Khyber Pakhtunkhwa.

P. **That** it is also pertinent to add that the concerned Government Contractor of the subject Scheme has not even been touched in the instant issue whereas his entire security in respect of the same Scheme amounting to Rs.600000/- is still lying

with the Department and as per the Agreement in case of any defect in the work the security is liable for forfeiture but his security has not been forfeited nor any action whatsoever has been taken against him which also reflects the partial and biased attitude of the Respondents towards the appellant.

Q. **That** the Scheme in question was operationalized/finalized in all respect and later on the PC-IV of the subject Scheme was submitted duly signed by the Sub-Engineer Umar Hayat, SDO Asad Ali and Executive Engineer namely Nasir Latif confirming/verifying the completion of the scheme in all respect without any objection from any quarter and finally the PC-IV was sanctioned by the Finance Department vide letter dated 15.03.2011 (***Annex*:-U**) and moreover, the posts for the operational staff were also sanctioned by the Finance Department and appointed by the Department accordingly.

R. **That** has put in more than 24 years service efficiently, dedicatedly and during this long period of service no complaint whatsoever has been voiced against him nor proceeded even once in the Department. Thus the appellant has long-drawn impeccable, spotless service at his credit and keeping in view the peculiar facts and circumstances of the case, the impugned punishment is highly unjust, excessive and does not commensurate with the charge though not proved.

S. **That** appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant

Through

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: ____/03/2016

OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA
Ph#091-9212984, FAX#091-9210228 **E-mail:** mehmood.Phed@yahoo.com

(7)

No. 01 /E-13/South/PHE

Dated Peshawar the, 28 /11/2013.

Annex "A"

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Public Health Engg:Department,
Peshawar.

Subject: COMPLAINT / ENQUIRY
Reference: Your office letter No. PS/Secy/1-1/2013 dated 4/7/2013. Dve/Pe

Water Supply Scheme Sadu Khel / Asha Khel was administratively approved for Rs. 11.147 million appeared in ADP 2007-08 at Sl: No. 295/31339 under Umbrella Scheme namely Construction of 10 No tube wells in District Nowshera (Annex-I). The scheme was based on single tube well. Asha Khel and Sadu KHel are two separate villages proposed to be served through common tube well. Provision for independent Rising main and distribution system was made for both the villages in the PC-1/estimates.

Water supply scheme for Asha Khel and Sadu Khel was shown as completed by 30-6-2010 as per record and utilized the entire approved cost. The incumbent XEN has reported that water supply scheme for Asha Khel village is in operation and the paid work exists at the site. However water supply scheme Sadu Khel has not been operationalized as yet due to non existence of Rising/Pumping main and distribution system in the village. Payment for supply and installation of Rising main and distribution system has since been made to the contractor(Annex-II). During inspection of the work Rising main and distribution system in the village Sadu Khel were found missing.

The incumbent XEN reported that some portion of Rising has been washed-away by flood in July 2010 and the remaining portion was stolen due to non appointment of operational staff. He further reported that pipes installed in the village have been extracted by the contractor and are in the contractor custody stored in the village (Annex-III) In this way he tried to justify the non functioning of the scheme. The undersigned disagree with his reply. The then Executive Engineer had not reported flood damages caused due to 29th July 2010. Flood to PDMA, PHED and not made provision for restoration of pipeline in the PC-1/estimate. No F.I.R has been lodged in the area Police Station regarding stolen pipes.

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As a result of inspection it was observed that Sadu Khel portion completed on 30-6-2010 could not be operationalized and abandoned. The pipeline (Rising main) was laid in nullah longitudinally on the surface and not buried at proper depth. The work was not carried out according to standard specification of PHED and washed away by flood. In this way the supervisory staff have put the government to a loss of Rs.4751996/- Some portion of pipeline

i.e 2500 Rft still exists at the site of the work which has not been installed according to standard specification of PHED. Some portion of the Rising main installed in the hilly area on the surface is missing. During inspection of pipe distribution system, the entire pipeline work has been found missing. The following paid work do not exist at the site of work:-

(8)

Site of Work.	Size	Length	Cost
Distribution system	4" G.I. Pipe	350 Meter	Rs. 391736/-
	3" G.I. Pipe	945 Meter	Rs. 723522/-
	2" G.I. Pipe	921 Meter	Rs. 441512/-
	1.5" G.I. Pipe	2529 Meter	Rs. 981046/-
Rising Main	4" G.I. Pipe	2316 Meter	Rs.2214180/-
		Total	Rs.4751996/-

It is, therefore, requested to initiate disciplinary action against the follosing supervisory staff responsible for the losses as mentioned above.

1. Mr. Nasir Latif Executive Engineer
2. Mr. Yousaf Jan SDO
3. Mr. Imtiaz Sub Engineer
4. Mr. Umar Hayat Sub Engineer

o/c

DA/As above

CHIEF ENGINEER(SOUTH)

71/-

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(9)

Annex 'B'

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the January 3, 2014

NOTIFICATION

No.SO(Estt)/PHED/8-26/2014. In terms of Section-6 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority is pleased to place the services of the following officers / officials of the Public Health Engineering Department under suspension for a period of 90 (ninety) days, on account of their alleged involvement in the irregularities committed in the Water Supply and Sanitation Schemes Sadu Khel / Asha Khel District Nowshera with immediate effect:-

1) Engr.Nasir Latif (BPS-18),
   Design Engineer (South) PHE Peshawar.
2) Mr.Yousaf Jan (BPS-11),
   Sub Engineer, PHE FATA Sub Division,
   Kohat.
3) Mr.Imtiaz (BPS-11),
   Sub Engineer PHE Division Nowshera.
4) Mr.Umar Hayat (BPS-11),
   Sub Engineer PHE Division Mardan

SECRETARY

Endst: No. SO(Estt)/PHED/8-26/2014 Dated Peshawar, the January 3, 2014

Copy forwarded to the:-

1) Accountant General Khyber Pakhtunkhwa Peshawar.
2) Additional Accountant General Pakistan Revenue Sub Office Peshawar.
3) Secretary (Admn & Coordination) FATA Secretariat Peshawar.
4) PS to Minister for PHE Khyber Pakhtunkhwa.
5) Chief Engineer (FATA) Works & Services Peshawar.
6) Chief Engineer (South) PHE Peshawar.
7) Chief Engineer (North) PHE Peshawar.
8) Mr.Manzoor Ahmed, Director Transport, Khyber Pakhtunkhwa.
9) Engr.Nasir Ghafoor, Superintending Engineer,Irrigation Department.
10) Superintending Engineer PHE Circle Peshawar / Mardan.
11) Executive Engineer PHE Division Nowshera / Mardan.
12) Executive Engineer PHE FATA Sub Division Kohat.
13) Engr.Nasir Latif, Design Engineer (South) PHE Peshawar.
14) Mr.Yousaf Jan, Sub Engineer, PHE FATA Sub Division Kohat.
15) Mr.Imtiaz Sub Engineer PHE Division Nowshera.
16) Mr.Umar Hayat, Sub Engineer PHE Division Mardan
17) District Accounts Officer Nowshera / Mardan.
18) Agency Accounts Officer PHE FATA Kohat.
19) PS to Secretary PHE Department Khyber Pakhtunkhwa.
20) Deputy Secretary (Admn) PHE Department KPK Peshawar.
21) Office Order File / Personal Files.

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SECTION OFFICER (ESTT:)

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10

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/8-26/2014 Annex "C"
Dated Peshawar, the January 3, 2014

To

1) Mr.Manzoor Ahmed,
Director Transport,
Khyber Pakhtunkhwa.

2) Engr.Nasir Ghafoor,
Superintending Engineer,
Irrigation Department.

Subject: **ENQUIRY REGARDING IRREGULARITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA**

I am directed to refer to the subject noted above and to state that the competent authority (Chief Minister Khyber Pakhtunkhwa) has been pleased to approve initiation of disciplinary proceedings against the following officers / officials of PHE Department, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

i) Engr.Nasir Latif (BPS-18),
Design Engineer (South) PHE Peshawar.

ii) Mr.Yousaf Jan (BPS-11),
Sub Engineer, PHE FATA Sub Division Kohat.

iii) Mr.Imtiaz (BPS-11),
Sub Engineer PHE Division Nowshera.

iv) Mr.Umar Hayat (BPS-11),
Sub Engineer PHE Division Mardan.

2. Consequently, the Competent Authority has further been pleased to appoint you as Enquiry Committee to investigate the charges/conduct a formal enquiry under the provision of the said Rules against the aforesaid officers / officials in light of the attached Charge Sheet/Statement of Allegations, with the request to submit your findings/recommendations/report within a period of 30 (thirty) days positively.

Encls: As above.

Attested to be
True Copy

SECTION OFFICER (ESTT)

ENDST:NO.SO(Estt:)/PHED/8-26/2014 Dated Peshawar, the January 3, 2014

Copy forwarded to the :-

1. Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa Administration Department.
3. Secretary (Administration & Coordination) FATA Secretariat Peshawar.
4. Chief Engineer (FATA) Works & Services Peshawar for necessary action.
5. Executive Engineer PHE Division Nowshera. He is directed to provide all relevant record as required to the Enquiry Committee.

6. Engr.Nasir Latif (BPS-18), Design Engineer (South) PHE Peshawar. 7. Mr.Yousaf Jan (BPS-11), Sub Engineer, PHE FATA Sub Division, Kohat. 8. Mr.Imtiaz (BPS-11), Sub Engineer PHE Division Nowshera. 9. Mr.Umar Hayat (BPS-11), Sub Engineer PHE Division Mardan	They are hereby served with a Charge Sheet & Statement of Allegations, with the direction to appear before the Enquiry Committee on the date, time and venue fixed by them for the purpose of enquiry proceedings and submit their replies within stipulated time.

10. PS to Minister for PHE Department Khyber Pakhtunkhwa Peshawar.
11. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.

Encls: As above.

SECTION OFFICER (ESTT)

Attested to be True Copy

BY COURIER

OFFICE OF THE PROJECT DIRECTOR
BAZAI IRRIGATION PROJECT MARDAN

Phone No.0973-9230068 & Fax 9230064

12

No. 996 /PD/Bazai/14/6-E

Dated Mardan the 13 /01/2014.

To,

1- Engr: Nasir Latif (BPS-18)
Design Engineer (South),
PHE Department Khyber Pakhtunkhwa
Peshawar.

2- Mr. Yousaf Jan (BPS-11)
Sub Engineer, PHE FATA Sub Division,
Kohat.

3- Mr. Imtiaz (BPS-11)
Sub Engineer, PHE Division,
Nowshera.

4- Mr. Umer Hayat (BPS-11)
Sub Engineer, PHE Division,
Mardan.

Subject:- **ENQUIRY REGARDING IRREGULARITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.**

Reference: Secretary to Govt of Khyber Pakhtunkhwa, Public Health Engineering Department Peshawar No.SO (Estab:) /PHED/8-26/2014, dated 03-01-2014.

Enclosed please find herewith copies of the charge sheet and statement of allegations duly signed by the Competent Authority. You may submit your written defense within specified period for proceeding further in the matter.

Please acknowledge receipt on priority basis.

Encl:
As above

13/1/14

Engr: Nasir Ghafoor Khan,
Project Director.

Copy for information and necessary action are forwarded to the :-

1- Mr. Manzoor Ahmed, Director Transport Khyber Pakhtunkhwa Peshawar.

2- Section Officer (Estab:) Office of the Secretary to Govt of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar with reference to his letter as above.

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Engr: Nasir Ghafoor Khan,
Project Director.

CHARGE SHEET

13

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, hereby charge you, Mr.Imtiaz (BPS-11), Sub Engineer PHE Sub Division Nowshera, as follows:-

2. That you while posted as Sub Engineer PHE Sub Division Nowshera, committed the following irregularities:-

i) In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.

ii) The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.

iii) Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the public exchequer.

iv) The work was not carried out as per standard specification of PHED.

3. By reason of the above, you appear to be guilty of inefficiency, misconduct & corruption under section-3 (a) (b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in section-4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

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(PERVEZ KHATTAK)
CHIEF MINISTER
KHYBER PAKHTUNKHWA
27-12-2013

STATEMENT OF ALLEGATIONS

(14)

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mr.Imtiaz (BPS-11), Sub Engineer PHE Sub Division Nowshera, has rendered himself liable to be proceeded against as he committed the following acts / omission within the meaning of section-3 (a), (b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011:-

2. That he while posted as Sub Engineer PHE Sub Division Nowshera, committed the following irregularities:-

i) In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.

ii) The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.

iii) Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the public exchequer.

iv) The work was not carried out as per standard specification of PHED.

3. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer / Committee consisting of the following is constituted under section-10 of the E&D Rules 2011.

i) Mr. Manzoor Ahmad Director Trans Sports KP,
ii) Engr. Nasir Ghafoor SE Irrigation Deptt.
iii) ----------

4. The Enquiry Officer / Committee shall, in accordance with the provisions of the E&D Rules 2011, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

5. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

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(PERVEZ KHATTAK)
CHIEF MINISTER
KHYBER PAKHTUNKHWA

(15)

To. Mr. Manzoor Ahmad,
Director Transport, Khyber Pakhtunkhwa.

Engr. Nasir Ghafoor Khan,
Project Director,
Bazai Irrigation Project, Mardan.

Annex "D"

Subject: **REPLY TO CHARGE SHEET**:

Reference: Secy: PHED; No. SO (Estt)/ PHED/8-26/2014, dated 3.1.2014 read with Project Director Bazai Irrigation Project, Mardan letter No.996/6-E, dated 13.1.2014.

Respected Sirs,

1. The Scheme ***"WSS Sadu Khel/ Asha Khel"*** is part of umbrella scheme namely ***"Construction of 10 Tube Well for Nowshera"*** administratively approved and technically sanctioned for Rs.45.385 million on 25.5.2009 and 24.10.2009.

2. I have supervised the work on Sadu Khel section as Sub Engineer Incharge since commencement until ***May 2010*** when I was transferred. On my transfer, I handed over the charge of Sadu Khel section to Mr. Umer Hayat Sub Engineer, who was already Incharge Sub Engineer of Asha Khel section of the said scheme. He completed the remaining portion of Rising Main of Sadu Khel section while work on Distribution line was already completed by me during my incumbency.

3. Being hilly area (comprised of hard soil and shingle) the pipeline of Sadu Khel section laid in depth in accordance with the approved plan and Standard Specification of PHED. However the scheme could not be activated for want of electricity connection despite making full payment to Wapda for the purpose by Umer Hayat Sub Engineer Incharge of Asha Khel section of the scheme.

4. With due respect, any defect in the work and/ or missing of pipeline can be noticed ***only after activation of the scheme*** and same happened in this case as the scheme could not be activated/ tested until 2013 for want of electricity connection.

5. After activation of the scheme, the missing of pipe-line laid for village Sadu Khel was noticed by the the Executive Engineer (Shahzada Behram).

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The Secretary PHED directed a preliminary probe into the matter and the Chief Engineer PHED submitted his report wherein it was alleged that:

> "The pipeline (Rising main) was laid in nullah longitudinally on the surface and not buried at proper depth. The work was not carried out according to standard specification of PHED and washed away by flood. In this way the supervisory staff have put the government to a loss of Rs.47,51,996/-."

6. The Charge against undersigned is based on the aforesaid findings of Chief Engineer. which reads as under:-

> That you while posted as Sub Engineer in PHE Sub Division, Nowshera, committed the following irregularities:-
>
> i) In the Village Sadu Khel, the Rising Main and distribution system of the **Water Supply** and **Sanitation** Scheme was found missing.
>
> ii) The Pipe Line (Rising Main) was laid in Nullah **longitudinally** on the surface without burying the pipeline in depth.
>
> iii) Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the public exchequer.
>
> iv) The work was not carried out as per standard specification of PHED.

REPLY TO THE CHARGES:

7. Though nothing has been said with certainty either in charge or in the findings of the Chief Engineer. yet an impression has been given that due to laying of the pipeline in the Nullah longitudinally on the surface without burying it in depth as per standard specification of PHED, it has been washed-away by the flood, which resulted in missing of 7061 meter pipes and loss of Rs.47,51,996/- to the public exchequer.

8. At least the charge by itself confirms that work was done there and no fake payment has been made to the contractor. As such I need to clarify only two things:

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(1) Whether the work was not done according to the standard specification of PHED? And

(2) Whether the pipeline was washed-away by the flood?

17

9. Beyond all doubts the pipeline of ***Sadu Khel*** was laid as per approved plan according to the standard specification of PHED. In this regard, the work on ***Asha Khel*** section is a speaking proof of executing work in accordance with the standard specification of PHED, as the same is satisfactorily working and no defect could have been noticed therein.

10. So far as the flood is concerned, it has caused no particular loss in the vicinity of village Sadu Khel. The washing-away of pipeline of Sadu Khel section by the flood is nothing but a false story concocted for ulterior motives.

11. I invite your kind attention to the pipeline of Asha Khel which was also laid from the same source (Tube-well), but the flood has caused no harm to a single inch of it and the same is still in tact there, which negates the false story of flood.

12. In case of flood (if any) capable of washing-away the G. I. pipes, it would have definitely demolished the Switch Room and also damaged the Tube-well standing in the front of the flood (if any), ***BUT NOT,*** which proves that the story of flood is nothing but an exaggeration for justifying the false charge against me.

13. Copy of General Abstract of Cost of AM&R showing details of flood damages to the Water Supply Schemes in District Nowshera is attached **Annexure-I**. One can observe that the amount of Estimated Cost for rectification of damages in the nearby localities of Sadu Khel is ***nominal*** (mere in thousands), which also proves that the flood has not caused any particular loss in the localities of village Sadu Khel.

14. Ordinary prudence does not allow to believe that a flood capable of washing away 7061 meter G. I. Pipe of village Sadu Khel would have not caused any particular harm to the other schemes in the nearby localities.

15. The distribution pipe was not laid in the Nullah but in the village on height, but strangely the same is also missing, which prima facie suggest

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something wrong in the bottom. How this pipe can be said to have been washed away by the flood when it has not demolished a single house in the village Sadu Khel.

16. We would have definitely reported the damages and demanded funds for necessary repairs/ restoration of Sadu Khel section, had the flood caused any loss to the pipeline of this particular scheme. There seems no reason for me to conceal any damages caused by floods to Sadu Khel section.

17. Rather we could avail this opportunity even for rectifying any earlier defects in the original work under the garb of flood damages. It does not appeal to common sense that I will be concealing such a huge loss/ damages, despite having a good excuse of flood. People use such like opportunities even for rectifying their own faults by attributing it to the flood.

18. The pipeline of Rising Main and Distribution System of Village Sadu Khel is ***admittedly missing***. But there arises an ***interesting question*** that if the flood had not washed away the pipeline of village Sadu Khel, then where did it go? This question may lead the Hon'ble Inquiry Committee to trace the foot steps of the thieves.

19. In this regard it is worthwhile to mention here that during execution of the scheme, the local inhabitants of village Sadu Khel were not allowing the labour to work and were indulged in extracting the pipes. The matter was, therefore, reported to Nowshera Police vide letters dated ***17.5.2010*** and dated ***25.5.2010*** (copies attached **Annexure-II** and **III**) and thereafter the intervention was stopped and work completed in June 2010 in accordance with the Standard Specification of PHED.

20. The reason for missing pipeline of Sadu Khel is known to all concerned. Beyond all doubts, the locals of village Sadu Khel and Kanrah Khel have removed and stolen the pipes installed by the department.

21. In this regard copy of Executive Engineer, PHE Division, Nowshera letter dated 17.12.2013 and copy of Sub Divisional Officer, PHE Sub Division-II, Nowshera letter dated ***30.12.2013*** addressed to the S.H.O. Nowshera

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Kalan are attached **Annexure-IV** and **V**, which prima facie suggests that the pipes stolen by the locals are still lying with them.

22. But the local police do not seem having taken any action for affecting recovery of the stolen pipes for the reasons best known to them. They have just recorded the statements of a few persons (**Annexure-VI**) wherein the individuals have admitted and confirmed about the pipes lying in their houses as a national trust.

23. But painful to see that instead of handling the issue in a right direction, the inefficient dealing hands sitting in the department are trying to provide a safe escape to the culprits having stolen the government property.

24. All concerned in the department and the local police seem to have joined hands with the wrong doers and trying to save skin of the thieves without any fear of God and tears of repentance. They are reluctant to collect back the government property from the villagers having stolen it and still lying with them as admitted by the department and reported by police.

25. Nothing can be said with certainty about the dates/ period when the pipes laid under the earth were extracted by the locals. However the fact of missing pipeline has come to the notice of the department in early 2013 after activation of the scheme.

26. ***It is more said to see*** that instead of making efforts for the recovery of stolen pipes and collecting it back, the responsible dealing hands ***got approved a fresh scheme*** for providing water to the Village Sadu Khel without deducting the quantity of pipes available on site and lying in the houses of the locals. In this regard copies of the Revised A.A. alongwith copy of Minutes of the DDWP meeting are attached Annexure-VII, which prima facie suggest that the Revised A.A. has been issued without deducting the cost of available pipe as per decision of DDWP. What can be said for this state of affairs? Is it not a national dilemma? Whose responsibility is it to recover and collect the missing/ stolen pipes or the pipe still available there on site?

27. In the last I wish to raise a simple question as to whether the flood water flows in the area from depth to height, which carried 7061 meter G. I.

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pipes upward from the Nullah (in the depth) to the houses of the villagers (on the height) or the villagers themselves have carried these pipes to their homes, while the missing quantity proves it an area spread on kilometers?

28. Again I wish to raise another question for the worthy Chief Engineer that he has not seen these pipes being missing/ stolen so on what analogy can he say that the same were laid on the surface without burying it at proper depth in accordance with the standard specification of PHED. He seems to have based his report on hearsay as neither he has seen the pipes (being missing) nor has he prepared any sketch of the missing portion or pipes still in tact there on site. He has not advised the Government nor directed the field formation about the fate of pipes still lying on site. It seems that the baseless findings were given against the accused for justifying approval of the new/ fresh scheme.

GENERAL:

The Charge is not only vague but also whimsical. Under the law a charge must state all necessary details for putting an accused on alert to properly defend himself. But here it does not specify the nature of Standard Specification ignored by the undersigned. This defect alone is sufficient to discard the vague and whimsical charge.

A wider net seems to have been thrown blindly in disregard of the mandatory requirement of law. I reserve my legal rights against any such details if subsequently brought on record for depriving me to defend myself in a proper way.

It is, therefore, most humbly prayed that in view of the cogent, convincing and plausible explanation detailed above, I may graciously be exonerated of the baseless, vague and concocted charge(s). I also wish to cross-examine the complainant and witnesses (if any) and reserve my right of filing a revised statement against any subsequent accusation. Certainly I wish to be heard in person if the Hon'ble Inquiry Committee calls me to further explain any point.

(IMTIAZ) 24/1/14
Sub Engineer/ Accused

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True Copy

(21)

Annex "E"

To: The Hon'ble Chief Minister,
Khyber Pakhtunkhwa.
(Competent Authority)

Through: The Secretary,
PHED; Khyber Pakhtunkhwa,
Peshawar.

07-11-14.

Subject: Application for providing copy of **Inquiry Report** and copies of **statements of witnesses** examined in the case with documentary evidence brought on record (if any):

Reverential Sir,

It is respectfully submitted that I have been served with a show-cause notice of removal from service and recovery of Rs.7,91,999/-. But unfortunately copy of the ***Inquiry report*** has not been attached with the show-cause while the one attached therewith is copy of ***supplementary report***, which does not serve the purpose as it does not contain the detailed reasons given by the inquiry committee for holding me guilty. In view of West Pak: S&GAD; letter No. SOXII-2-4/60, dated 10.5.1960 it is ***mandatory*** for the Competent Authority to provide copy of the Inquiry report to the accused enabling him to furnish a to the point reply.

Further more in view of the West Pak: S&GAD; letter No. SOXII-1-160/58, dated 26.12.1958, being an accused I am entitled for copies of the statements of witness (if any) examined by the Inquiry Committee in support of the charges with documentary evidence exhibited(if any).

It is, therefore, respectfully prayed to kindly provide me copy of the Inquiry Report being mandatory. Further more as directed in the aforesaid letter of S&GAD, I may also be provided with copies of the statements of witness if recorded any in support of the charge(s) or otherwise to kindly confirm that the Inquiry Committee has not examined any witness in support of the so called charges and the intervening period may graciously be excluded from the time allocated to the undersigned for reply to the show-cause.

Dated: 7.11.2014:

(IMTIAZ)
Sub Engineer/ Accused

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OFFICE OF THE GENERAL MANAGER (OPERATIONS),
WATER & SANITATION SERVICES PESHAWAR,
LOCAL GOVERNMENT COMPLEX, KHYBER PAKHTUNKHWA.
Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad,
E mail: - wsspeshawar@gmail.com , Phone No# 091-9217863

22

No. 1126 /GM (Ops) /1-E

Dated: - 09-09-2014

DS(A) Pr. process.

The Secretary,
Public Health Engg: Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **INQUIRY REGARDING IRREGULARITITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.**

Reference: - Your office letter No. SO (Estt) / PHED/ 8-26/2014 dated 16th June 2014.

Kindly refer to your letter under reference and it is submitted that the inquiry report has been reviewed as per the directions of the competent authority and the following conclusions are derived in light of the findings / recommendations made by the inquiry committee in our earlier report :-

i) The status of the charges reflected in the charge sheet and statement of allegation against **Engineer Nasir Latif, (BPS-18), Executive Engineer** are as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Engineer Nasir Latif, (BPS-18), Executive Engineer.**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public	Proven

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inm;

		exchequer.	
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

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The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 15,83,999/- (Fifteen lacs eighty three thousand nine hundred and ninety nine only) against **Engineer Nasir Latif, (BPS-18), Executive Engineer.**

ii) The status of the charges reflected in the charge sheet and statement of allegation against **Mr. Yousaf Jan (BPS-11), Sub Divisional Officer (OPS), PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat** are as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Mr. Yousaf Jan (BPS-11) the than Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 15,83,999/- (Fifteen lacs eighty three thousand nine hundred and ninety nine only) against **Mr. Yousaf Jan (BPS-11), Sub Divisional Officer**

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nizable under these rules;

(OPS), PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.

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iii) The status of the charges reflected in the charge sheet and statement of allegation against **Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera** is as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 7, 91, 999/- (Seven lacs ninety one thousand nine hundred and ninety nine only) against **Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.**

iv) The status of the charges reflected in the charge sheet and statement of allegation against **Mr. Umar Hayat (BPS-11) the then Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.**

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	**Mr. Umar Hayat (BPS-11) the than Sub**	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation	Proven

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	Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.	Scheme was found missing.	25
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 7, 91, 999/- (Seven lacs ninety one thousand nine hundred and ninety nine only) against **Mr. Umar Hayat (BPS-11) the then Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.**

The inquiry has been finalized on the provided available record by the inquiry committee as desired and submitted for further necessary action please.

-9/9/14

Engr. Nasir Ghafoor Khan
Superintending Engineer,
Irrigation Department.
(Inquiry Officer).

Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa.
(Inquiry Officer).

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sed upon him;

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To,

Mr. Manzoor Ahmad,
Director Transport, Khyber Pakhtunkhwa.

Annex "F"

Engr. Nasir Ghafoor Khan,
Project Director,
Bazai Irrigation Project, Mardan.

Subject: **INQUIRY: (WSS Sadu Khel/ Asha Khel)**

Respected Sirs,

With reference to the queries raised in the inquiry proceedings on 10.2.2014, it is respectfully submitted as under:

1. CSR 2009 is attached please.

2. It has incorrectly been alleged in the Charge-sheet that the pipe was laid longitudinally in the Nullah. In fact there is no Nullah but a dry-khwar. Even agricultural lands; residential and government buildings and tube-well are there and the pipe was laid in accordance with site requirements and was properly covered under the earth upto allowable depth. Certainly there is great difference between a Nullah and a dry-khwar.

   The very purpose of laying G.I. Pipe is that it has the strength to face all weathers and even can be laid on the surface in hilly and hard areas, where excavation is not possible. The department has approved certain manufacturing G.I. Pipes after making required tests and in this case the pipe used was that of the approved firm.

3. The Sub Engineer and Contractor had verbally informed the higher-ups (Executive Engineer and Sub Divisional Officer) about the interference of the locals and the Executive Engineer and Sub Divisional Officer reported in writing to the local police. Copies of the reports have already been annexed.

4. Standard Specification for G.I. Pipe is attached please.

5. Copy of T. S. Estimate has already been provided to Mr. Nasir Ghafoor, Project Director, Bazai Irrigation Project, Mardan during hearing of the case.

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6. I have already provided sufficient "***documentary evidence***" of theft of pipes by the locals. In this regard reference is invited to para 19, 21 and 22 of my reply and **Annexure-IV, V** and **VI**, whereby the department has reported has reported to the local police and the police has confirmed that the whole pipe is lying with the locals, who claim it to have kept it at their homes as a "National Trust". Instead of dealing with the culprits with iron hand, all concerned seem to have joined hands with them to save their skin, otherwise the police was required to book them under the relevant sections of law and recover the pipes from them. Under the law documentary evidence exclude oral evidence.

7. As enunciated by the apex court in various judgements, an accused cannot be required to prove his innocence until the prosecution brings oral and documentary evidence on record in support of the charge/ accusation thereby shifting burden to the accused to prove his innocence and belie the prosecution evidence.

It is for the department to prove its allegations against the accused. But unfortunately they have neither brought any oral or documentary evidence on record nor have been able to shift burden to the accused for proving their innocence. A separate application in this regard is attached for requiring the department to produce their witnesses for cross examination being it a right given by law to the accused for safe administration of justice.

GENERAL:

(a) With due respect the department has issued the instant charge sheets while in great hurry without requiring the undersigned to explain things during preliminary inquiry, but they did not bother to call for any explanation from the accused officers/ officials. It seems that the hurry was made and explanations were avoided to conceal things and justify approval of the fresh scheme under the garb of revised PC-I against the dictates of DDWP and in disregard of the directive of the Honorable Chief Minister KPK.

In the end I hope justice at your gracious hands in accordance with the law of the land.

(IMTIAZ)
Sub Engineer/ Accused

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Item Code	Description	Rate (British System)			Rate (Metric System)			Spec. No	Remarks
		Unit	Labour	Composite	Unit	Labour	Composite		
24-15-f	Providing and Laying cut, joint, test & disinfect, CI pipeline in trenches, complete : 12" i/d	Rft	130.54	2,380.85	m	428.30	7,811.19		
24-16-a-01	Providing and Laying cut, joint, test & disinfect GI pipe line Using heavy quality GI Pipe : 4" Dia	Rft	38.16	431.41	m	125.19	1,415.38		
24-16-a-02	Providing and Laying cut, joint, test & disinfect GI pipe line Using heavy quality GI Pipe : 6" Dia	Rft	54.23	628.98	m	177.91	2,063.57		
24-16-a-03	Providing and Laying cut, joint, test & disinfect GI pipe line Using heavy quality GI Pipe : 8" Dia	Rft	70.29	735.79	m	230.62	2,414.02		
24-16-b-01	Providing and Laying cut, joint, test & disinfect GI pipe line Using medium quality GI Pipe : 4" Dia	Rft	38.16	364.86	m	125.19	1,197.05		
24-16-b-02	Providing and Laying cut, joint, test & disinfect GI pipe line Using medium quality GI Pipe : 6" Dia	Rft	54.23	538.23	m	177.91	1,765.83		
24-16-b-03	Providing and Laying cut, joint, test & disinfect GI pipe line Using medium quality GI Pipe : 8" Dia	Rft	70.29	632.94	m	230.62	2,076.59		
24-16-c-01	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 1/2" i/d	Rft	10.04	41.50	m	32.95	136.16		Cost of sockets, tees, elbows, bends, valves, crosses, unions and plugs etc is included in the rates.
24-16-c-02	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 3/4" i/d	Rft	12.05	56.09	m	39.54	184.04		
24-16-c-03	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 1" i/d	Rft	13.11	74.82	m	43.02	245.48		
24-16-c-04	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 1.25" i/d	Rft	16.07	95.93	m	52.71	314.72		
24-16-c-05	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 1.5" i/d	Rft	18.08	118.20	m	59.30	387.81		
24-16-c-06	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 2" i/d	Rft	20.12	145.96	m	66.02	478.88		
24-16-c-07	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 2.5" i/d	Rft	22.09	196.33	m	72.48	644.13		
24-16-c-08	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 3" i/d	Rft	30.13	233.41	m	98.84	765.77		
24-16-c-09	Providing and Laying cut, joint, test & disinfect GI pipe line Using light quality GI Pipe : 4" i/d	Rft	38.16	340.66	m	125.19	1,117.65		
24-17-a-01	Providing and Laying cut, joint, test & disinfect AC pipe line BSS Class 'B'working pressure : 3" i/d	Rft	16.07	79.23	m	52.71	259.94		Providing and installing specials and valves is not included in the rate, which is payable separately.
24-17-a-02	Providing and Laying cut, joint, test & disinfect AC pipe line BSS Class 'B'working pressure : 4" i/d	Rft	18.08	110.57	m	59.30	362.76		

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STANDARD SPECIFICATIONS FOR LAYING, JOINTING AND TESTING OF GALVANIZED IRON PIPES

1. SCOPE

The work covered by this section of the specifications consists in furnishing all plants, labour, equipment appliances, material (except materials specified to be Govt: furnished) and in performing all operations in connection with water supply lines of welded or seamless, screwed and socketed steel tubes and specials.

2. DEFINATIONS

A.Tube:- A strainght tube of uniform bore.

B.Socket:- The screwed coupling utilized in jointing the tube together.

C.Specials:- Pieces, nipples, long screws, bends, union couplings, Tee, elbow, reducers, plugs etc.

D.Nominal Bore:- A size reference denoting the approximate bore of the tube. For each size of tube the out side dia, is fixed by the corresponding screw thread dimensions of B.S.21. The actual bore of each size will very according to the thickness of the barrel.

3. MATERIAL.

3.1 All tubes and specials shall conform to BSS 1387: 1967. It shall be new and unused. The quality of tubes and specials light meduim or heavy shall be according to the grades stated in the bid sheet.

3.2 Approval of the Material & Equipment.

Approval of the material shall be done in a manner as stated under section 2 and para 3 of the standard specification for A.C.water supply line and appurtenances.

3.3 The dimensions of the tubes and sockets shall be in accordance with the following tables.

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3.4 Table dimensions of steel tubes light

Nominal Bore	Outside diameter Max.	Outside diameter Min.	Thickness	Weight of black tube Plain end	Weight of black tube Screwed & socketed
in	in	in	in	lb/ft	lb/ft.
½	0.841	0.825	0.080	0.640	0.646
¾	1.059	1.041	0.092	0.944	0.954
1	1.328	1.309	0.104	1.35	1.36
1¼	1.670	1.650	0.104	1.73	1.75
1½	1.903	1.882	0.116	2.19	2.22
2	2.370	2.347	0.116	2.76	2.81
2½	2.999	2.960	0.128	3.90	3.98
3	3.494	3.460	0.128	4.58	4.69
4	4.481	4.450	0.144	6.64	6.84

3.5 Table Dimensions of Steel Tubes medium

Nominal Bore	Outside diameter Max.	Outside diameter Min.	Thickness	Weight of black tube Plain end	Weight of black tube Screwed & socketed
in	in	in	in	lb/ft	lb/ft
½	0.856	0.831	0.104	0.822	0.828
¾	1.072	1.047	0.104	1.06	1.07
1	1.346	1.316	0.128	1.64	1.65
1¼	1.687	1.657	0.128	2.11	2.13
1½	1.919	1.889	0.128	2.43	2.46
2	2.394	2.354	0.144	3.42	3.47
2½	3.014	2.969	0.144	4.38	4.46
3	3.524	3.469	0.160	5.69	5.80
4	4.524	4.459	0.176	8.14	8.3
5	5.534	5.459	0.192	10.9	11.2
6	6.539	6.459	0.192	12.9	13.3

3.6 Table Dimensions of Steel Tubes Heavy

Nominal Bore	Outside diameter Max.	Outside diameter Min.	Thickness	Weight of black tube Plain end	Weight of black tube Screwed & socketed
in	in	in	in	lb/ft	lb/ft
½	0.856	0.831	0.128	0.977	0.983
¾	1.072	1.047	0.128	1.27	1.28
1	1.346	1.316	0.160	2.00	2.01
1¼	1.687	1.657	0.160	2.58	2.60
1½	1.919	1.889	0.160	2.98	3.01
2	2.394	2.354	0.176	4.14	4.19
2½	3.014	2.969	0.176	5.31	5.39
3	3.524	3.469	0.192	6.76	6.87
4	4.524	4.459	0.212	9.71	9.91
5	5.534	5.459	0.212	12.0	12.3
6	6.539	6.459	0.212	14.3	14.7

4. PERMISSIBLE VARIATION IN THICKNESS AND WEIGHT.

The following manufacturing tolerances shall be permitted on tubes.

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4.1 Thickness.

Light welded	- 8% + no limited.
Medium and heavy tubes.	
Welded.	- 10% + no limited.
Seamless.	- 12½% + no limited.

4.2 Weight.

The mean consignment weight for quantities of 500 ft (150 M) & over of one size shall not deviate from standard weight by more then plus or minus 4 %. No single tube shall deviate from standard weight by more than 10% plus & 8% minus.

4.3 Joints.

Tubes shall be supplied screwed with taper threads and unless otherwise specified fitted with one screw socket. Socket shall have parallel thread unless otherwise specified. In order to prevent damage to the leading thread the ends of the socket shall be chamfered internally.

5. EXCAVATION.

5.1 The work shall be carried out strictly in accordance with the section I of the standard specification for Excavation, Trenching and Backfilling for Water Lines and Appurtenances with the following modification in the minimum cover over the pipe line according to the nature of formation.

	NATURE OF FORMATION.	MINIMUM COVER.
1.	Hard & Soft Soil.	3'
2.	Gravel & Boulder Formation.	2'
3.	Conglomerate and Rocks.	1½'

In locations where the engineer incharge feels that excavation is not practical, diversion and other protection works are uneconomical he may permit the

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contractor to anchor the pipes to the rock formation using proper Anchor bolts and clamps provided no addition payment will be made for this work. Every pipe of average 20 ft.length shall be anchored at minimum of two places. The bolts shall be grouted to a minimum of 9" in side the firm rock using 1:4 cement sand mortor. To afford proper ancharge the bolt should be ragged or split at the bottoms end. The clamp shall be of such a design that the pipe could be removed if needed without any damage to the clamp. The following sizes for bolts and clamps shall be adopted.

Pipe dia.	Anchor bolts. dia	Clamps to be fabricated from M.S.Flat .
$\frac{1}{2}$" - $1\frac{1}{2}$"	$\frac{1}{2}$"	1" x $\frac{1}{8}$"
2 - 4"	$\frac{5}{8}$"	$1\frac{1}{2}$" x $\frac{1}{8}$"
5" - 6"	$\frac{3}{4}$"	2" x $\frac{1}{8}$"

5.2 In location where even achoring is not possible the engineer incharge may decide on some other methods of laying like a bridge crossing etc. In such a case a deduction shall be made from the rate for the excavation not carried out & the cost of bridge crossing will be paid in addition to the rate for laying and jointing.

6. INSTALLATION.

6.1 Handling.

Pipe and accessories shall be handled in such a manner to insure delivery to the trench in sound & undamaged condition. If any type of pipe or fitting is damaged, the repair shall be made by the contractor at his expenses in a satisfactory manner. Pipe shall be carried into position and not dragged. The interior of pipe and accessories shall be thoroughly cleaned of foreign matter, before being lowered into the trench & shall be kept clean during laying operation by plugging or other approved method. Before installation the pipe shall be inspected for defects. Material found to be defective before or after laying shall be replaced with sound material with out additional expense to the Government.

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6.2 Cutting and rethreading of Pipe.

Cutting of pipe shall be done in a neat and work man like manner. Threading of pipe shall be done according to B.S.S.21.

6.3 Location.

Where the location of the pipe is not clearly defined by dimensions on the drawing, the water pipe shall be located as directed by the engineer incharge.

6.4 Placing and Laying.

It shall be ensured that all the threads are in perfect condition. The jointing work shall be arranged in such a manner that in case of every joint the two ends of the pipe shall be equidistant from the middle of the socket and shall have a space not more then one quarter of an inch between them in the center of the socket. A few strands of cotton yarn smeared with white lead paste shall be carefully wound on the threads.

The pipes shall be screwed up tightly in order to ensure that each and every joint is perfectly water tight against the test head of water. In open country inspection Tee shall be provided at every 1000 ft distance. All changes in the direction shall be effected by means of bends whereever practicable and the use of elbows shall be restricted in cases where there is no room for bends. In such cases only round elbows shall be allowed and in no case square elbows shall be used.

6.5 Flushing.

The contractor shall provide facilities for flushing of line. The contractor shall make arrangement for disposal of waste water. The pipe line shall be flushed by keeping all the branches open. Flushing shall be continued untill clear water starts flowing. The entire net work shall be flushed section by section at minimum velocity of 2.5 feet per second.

7 LEAKAGE TEST.

7.1 Flushing of the pipe line shall be followed by a leakage test. The contractor shall provide facilities for performing the leakage test. Water and pumping facilities shall be provided by the contractor. All joints shall be left exposed. Leakage test shall be

performed by keeping the ends properly plugged to resist about 150% of the test pressure. While filling the line all valves and openings shall be kept open and water shall be filled in slowly. When the pipe is completely filled with water and all air expelled water shall be pumped in to the line at the test pressure and shall be maintained for at least 2 hours. Each and every joint be inspected for leaks and all visible leaks removed a displacement leakage test shall be performed by the contractor for the newly laid pipe line. The pipe line shall be filled with measured quantity of water and all air from the pipe line shall be expelled.

7.2 No piping installation shall be accepted untill the leakage is equal to or less then the number of imperial gallons per hour as determined by the following formula.

$$L = .00045\ ND\ \sqrt{P}$$

L = Leakage in Imperial gallons.

N = Number of joints.

D = Nominal dia of the pipe in inches.

P = Average test pressure during test P.S.I.

7.3 In the event of the pipe line failing the leakage test, the contractor shall locate and repair the defective pipe, fittings or joint at his expense. For dewatering the line for repairs the contractor shall follow the instructions given by the Engineer-In Charge for disposal of water. After repairs of the line, the contractor shall retest the line. The line will not be accepted untill it passes the leakage test.

7.4 Retesting after Back fill.

After the pipe line trench has been backfilled, the entire line shall be subjected to a leakage test as a whole unit. The contractor shall repair the line if it fails to pass the leakage test requirement specified here in before. The test repeated and repairs affected untill the pipe line passes the leakage test.

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Annex "G"

To,

Mr. Manzoor Ahmad,
Director Transport, Khyber Pakhtunkhwa.

Engr. Nasir Ghafoor Khan,
Project Director,
Bazai Irrigation Project, Mardan.

Subject: **REQUEST FOR CALLING WITNESSES FOR CROSS EXAM: IN CASE PERTAINING TO IRREGULARITIES COMMITTED IN WATER SUPPLY SCHEME ASHAKHEL SADU KHEL NOWSHERA.**

The undersigned has been served with a charge-sheet for committing irregularities in execution of Water Supply Scheme Asha Khel – Sadu Khel Nowshera. It has been alleged in the Charge-sheet that due to laying of the pipeline in the Nullah longitudinally on the surface without burying it in depth as per standard specification of PHED, it has been washed-away by the flood, which resulted in missing of 7061 meter pipes and loss of Rs.47,51,996/- to the public exchequer.

Though I have categorically denied and satisfactorily rebutted the charge(s) in my written reply and have proved that the concocted charge(s) have been leveled in the air without any substance on the basis of hearsay for ulterior motives, yet justice demand for providing me an opportunity to cross-examine the witnesses (if any) in support of the charge(s) leveled against me. It will enable the Honorable Inquiry Committee to sift grain from chuff and reach to the truth.

It is, therefore, most humbly prayed that the department may graciously be directed/ required to produce their witnesses (if any) in support of the charge(s) leveled in the charge-sheet ***for my cross examination***.

(**IMTIAZ**)
Sub Engineer/ Accused

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Annex "H"

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister Khyber Pakhtunkhwa, as competent authority, do hereby serve you Mr. Imtiaz (BPS-11), Sub Engineer PHE Sub Division Nowshera, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, with this notice for the charges mentioned in the disciplinary action/statement of allegations already served upon you vide PHE Department's endorsement No.SO(Estt)/PHED/8-26/2014 dated January 03, 2014.

2. That on going through the inquiry report of the Inquiry Committee, material on record and other connected documents, I am satisfied that the following charges leveled against you have been proved:-

> "The PHED standard specifications have not been fully followed during the burying of pipes and in case of lying on ground/rocky surface no proper clamping arrangement were observed. Due to non installation of the distribution system of the scheme the issue of burying the pipes does not arise, therefore, the payment made is in advance without execution of work at site. Your negligence has caused financial loss of Rs.47,51,996/- to the government/public exchequer."

3. That as a result thereof, I, as the authority in the exercise of powers conferred on me under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, have tentatively decided to impose upon you the major/minor penalty(s) of "Removal from Service and Recovery of Rs. 791999/=only.".

4. You are, therefore, required to show cause as to why the afore-said penalty/penalties should not be imposed upon you, and intimate whether you desire to be heard in person.

5. If no reply to this notice is received within fourteen days of its delivery, it shall be presumed that you have no defence to put in and an ex-parte action will be taken against you.

6. Copy of the inquiry report is enclosed.

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER
KHYBER PAKHTUNKHWA
20. 10. 2014.

Attested to be
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To: The Hon'ble Chief Minister,
Khyber Pakhtunkhwa/
(Competent Authority).

Annex "I"

Through: Secretary PHED;
Khyber Pakhtunkhwa, Peshawar.

Subject: **REPLY TO SHOW CAUSE NOTICE:**

Reference: Show-cause notice issued to the undersigned vide Secretary PHED letter No.SO (Estt)/ PHED/ 8-26/ 2014, dated 27/10/2014.

Respectfully Sheweth;

(1) **THAT** the Show-cause notice issued to the undersigned is against law/ rules being not accompanied by the ***Inquiry Report*** as directed in the West Pak: S&GAD; letter No. SOXII-2-4/60, dated 10.5.1960, hence needs to be revoked. Copy of ***Supplementary Report*** provided with the show-cause notice does not serve the purpose nor does it fulfill the requirement of law/ rules. Despite written request, copy of the Inquiry Report/ statements of witnesses examined by the Inquiry committee (if any) have not been supplied to the undersigned till date which prima facie suggests inefficiency of the dealing hands. ***Any punishment inflicted in the circumstances will be against law.***

(2) **THAT** members of the Inquiry Committee (themselves) deserve exemplary punishment for their inefficiency as in the first instance they submitted a vague and incomplete report with a request for constituting a departmental committee of senior level Engineers to determine the exact loss. The said defective/ incomplete Inquiry Report was remanded back to the Inquiry Committee vide Secretary PHED letter dated 16/6/2014 with the directions:-

i. To determine and report as to whether the charges reflected in the charge sheets are proved, partially proved or otherwise.

ii. To fix responsibility and assess the losses caused to the Provincial exchequer, work out apportionment of losses amongst accused officers/ officials and recommend recovery thereof from the officers/ officials held responsible.

The above observations prima facie suggest that no decision could be taken on the basis of incomplete Inquiry Report and a detailed measurement of the pipes was a must to ascertain the actual loss. But even after remand, the members of the Inquiry Committee avoided to take pain of measurements for assessing the actual loss and instead they just addressed a letter to the Executive Engineer

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PHED, Nowshera on 3/7/2014 for working-out the details of losses and providing relevant record by completing the task within 7 days time, which amounts to shirking of responsibility on part of members Inquiry Committee.

When things were abnormally delayed and the Executive Engineer did not provide the desired details/ calculations, the members of the Inquiry Committee (***while sitting in their office***) blindly submitted a false Supplementary Report (***ignoring all ground realities and without carrying out measurements of the missing and available pipes***) making recommendations therein to recover Rs.47,51,996/- (from the accused) as per apportionment detailed below:

(i)	Engr. Nasir Latif Xen:	=	Rs. 15,83,999/-
(ii)	Mr. Yousaf Jan S.D.O.	=	Rs. 15,83,999/-
(iii)	Mr. Imtiaz Sub Engr:	=	Rs. 7,91,999/-
(iv)	Mr. Umar Hayat Sub Engr:	=	Rs. 7,91,999/-
	Total	=	**Rs. 47,51,996/-**

With due respect, how the Inquiry Committee could decide the quantum of loss/ recovery against each accused without carrying out measurements and calculating pipe admittedly available with the locals.

Your honor must question them to identify and refer to the **relevant rules** which regulates share of responsibility against Engineering staff, which will prove their inefficiency and irresponsible behaviour. How a person ignorent of law and rules can be appointed as Inquiry Officer and allowed to play with the fate of others. It makes one laugh to decide the quantum of responsibility/ recovery against accused without proper measurement/ calculation and/ or identifying the relevant rules regulating the quantum of responsibility? Is there no rule knowing person in the province to ensure justice to the undersigned?

(3) ***A charge by itself does not stand for proof, but need to be proved by adducing lawful evidence in accordance with Qanun-e-Shahadat***. Further more all the accused had filed separate applications for calling prosecution witnesses for their **cross examination**. It was incumbent upon Inquiry Committee to call for the department to produce witnesses and adduce documentary evidence to prove the charges against accused and to provide a fair opportunity of cross-examination to the accused against such witnesses/ record.

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(4) Rule 11 to 13 of the KPK Govt. Servants (E&D) Rules, 2011 empower the Inquiry Committee to summon and examine any person **on oath** and to provide opportunity of **cross-examination** on such witnesses to the accused.

(5) But here in this case, the Enquiry Committee did not require the department to adduce evidence in support of the charges nor did it provid opportunity of cross-examination to the accused. Rather the Inquiry Committee has shown great negligence in deciding the fate of the case/ accused without examining any evidence in support of the charges while ignoring written applications of the accused.

(6) The Committee was required and bound in law to consider and properly weigh the plea/ reply of the accused. In his reply, the accused (undersigned) has plausibly explained the fact of missing pipe with documentary evidence to prove stealing of the pipe by the locals. Reply to the Charge-sheet submitted by the undersigned may be considered as part and parcel of instant reply.

(7) The accused have brought official letters and police report on record which proves stealing of pipe by the locals. The documentary evidence adduced by them has neither been denied/ rebutted by the department nor by the Enquiry Committee. Reportedly the Enquiry Committee admits the fact of availability of pipe with the locals in **Para - 11** of their "**Findings**".

(8) All concerned including the **department**, the **police** and even the **Inquiry Committee** have admitted that the pipe extracted by the locals is still lying with the people and needs to be collected. In the circumstances, there seems no justification to affect recovery from the accused for the pipe stolen by the locals. It will be a mockery of law to punish accused for the wrongful act of others. This is the dictate of law described in the maxim ***"Nemo Punitur Pro Allieno Delicto"***. The department has already issued instructions to the field formation for collecting the stolen pipes, but with no follow up.

(9) But strangely the Inquiry report is silent about the legal and factual submissions made by the accused in their replies. The convincing replies of the accused supported by documentary evidence and based on cogent reasons ***could not be overlooked/ brushed aside.***

(10) In absence of proof/ evidence *(in support of the charge)* and without weighing submissions of the accused, the charges cannot be said to have been proved in

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law and hence the recommendations of the Enquiry Committee are baseless and without any lawful substance.

(11) The Enquiry Committee has not carried-out any measurements to determine actual quantity of the missing pipes and hence there seems no justification for believing their ipse-dexit. No punishment can be inflicted on the basis of such vague and defective report. Rather it calls for awarding exemplary punishment to the members Inquiry Committee for (i) delaying inquiry; (ii) shirking responsibility and (iii) submitting a false and bogus report/ recommendations without carrying out detailed measurements and taking into account the available quantity.

(12) In the last, it is pointed out that the very purpose of initiating instant inquiry (by the department) was to justify approval of a new scheme without making any efforts for collecting the pipes taken away by the locals, which badly reflects on the claim of good governance as there is none to take notice of things/ affairs going on in the government offices while enjoying authority by making innocent officers/ officials an escape goat for looting government exchequer. Your honor may like to take notice of things to ensure good governance by providing justice to the undersigned.

(13) It will not be out of place to state/ remind that while granting approvel to the new scheme the issue of pipes extracted by the locals was very much discussed before the DDWP, but instead of doing the needful the Chief Engineer (South) initiated inquiry without explaining things or making efforts for collecting of pipes taken away by the locals.

(14) Attention is invited to the charge levelled against the accused in the charge sheet and that described in the show-cause, which differs from each other which suggests that the undersigned is being punished on a charge not served upon him. The allegation made in the charge sheet by itself disproves the charge stated in the show-cause.

In the wake of these circumstances, it is most humbly prayed to kindly withdraw the instant show-cause notice and exonerate the accused of the charge. I also wish to be hard in person.

Dated: 10.11.2014:

Attested to be
True Copy

(IMTIAZ)
Sub Engineer/ Accused

(41)

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT
Daled Peshawar the, November 11, 2015

Annex "J"

NOTIFICATION

No.SO(ESTT)PHED/8-26/2013: WHEREAS, Mr. Imtiaz (BPS-11) the then Sub Engineer PHE Division Nowshera now posted as Sub Engineer PHE Division Swabi was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the irregularities committed in the Drinking Water Supply Scheme Asha Khel Sadu Khel District Nowshera.

2. AND WHEREAS, for the said act of misconduct he was served with charge sheet/statement of allegations to which he submitted his reply.

3. AND WHEREAS, an Inquiry Committee comprising Mr. Manzoor Ahmad, Director Transport, Khyber Pakhtunkhwa and Engr. Nasir Ghafoor, Superintending Engineer, Irrigation Department was appointed, who submitted the inquiry report.

4. AND WHEREAS, he was served with Show Cause Notice containing tentative major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.791,999/-**", to which he submitted his reply.

5. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the Inquiry Committee, explanation of the official concerned during personal hearing held on 09-09-2015 and in exercising his powers conferred under Rule-14(5)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.791,999/-**", upon the aforementioned official.

SECRETARY TO
Govt: of Khyber Pakhtunkhwa
Public Health Engg: Department

Endst: No.SO(ESTT)PHED/8-26/2013 **Dated Peshawar the, November 11, 2015**

Copy is forwarded for information & necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar
3. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar
4. Superintending Engineer PHE Circle Peshawar/Mardan
5. Executive Engineer PHE Division Nowshera/Swabi
6. District Accounts Officer Nowshera/Swabi
7. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
8. PS to Secretary PHE Department, Khyber Pakhtunkhwa, Peshawar
9. PA to Deputy Secretary (Admn) PHE Department Peshawar
10. Official concerned.
11. Office Order File / Personal File.

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SECTION OFFICER (ESTT:)

J

PSCM D.No 2144 19/11/15

(42) 1

Annex "K"

To

Received on 19/11/15

The worthy Chief Minister
Govt. of Khyberpukhtunkhwa,
CM House Peshawar.

Subject: **Petition for Review of the Notification dated 11.11.2015 whereby appellant was imposed upon the major penalty of removal from service with recovery of pecuniary loss of Rs.791,999/-.**

Respected Sir,

With due respect I have the honour to submit this departmental review for your kind consideration and favourable action on the following facts and grounds:

1. That the appellant was serving as Sub-Engineer in the Public Health Engineering Department, having 23 years service at his credit with unblemished service record. During the relevant days, he was posted as Sub-Engineer, Public Health Engineering Division, Nowshera.

2. That on 03.01.2014, appellant was suspended on account of the alleged irregularities in the Water Supply and Sanitation Scheme of Sadu Khel/Asha Khel District Nowshera. He was also issued Charge Sheet and Statement of Allegations vide letter dated 13.01.2014 alleging inefficiency, misconduct & corruption therein. In response to the same appellant submitted his detailed reply thereby explaining his position and denying the charges.

3. That the Enquiry Committee then conducted the enquiry and submitted its report copy of which was obtained by the appellant after submitting application there-for. Moreover, certain queries raised by the Enquiry Committee during the proceedings were also clarified in writing fully supported by documents. At the close of enquiry appellant also submitted an application for the cross-examining the witnesses produced against him but the same was not considered.

4. That Final Show Cause Notice was then issued to the appellant which too was replied, charges were denied and appellant explained his position before your good-self but vide impugned Notification dated 11.11.2015 appellant was imposed upon the major penalty of removal from service with recovery of Rs.791,999/-.

5. That now appellant being aggrieved of the Notification ibid, files this departmental review before your good-self inter-alia on the following grounds:-

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Grounds:

A. That the charges leveled against the appellant are baseless, ill-founded and have nothing to do with the actual facts on the ground and were therefore not entertainable. Moreover, the charges leveled against the appellant are sweeping, uncertain, ambiguous and therefore are against the law.

B. That the Pipeline of Sadu Khel was laid as per the approved plan according to the standard specification of PHED. In this regard the work of Asha Khel Section is a speaking proof of executing works in accordance with the standard specification of PHED as the same is satisfactorily working and no defect has been noticed therein. So far as the flood is concerned, it has caused no particular loss in the vicinity of the village Sadu Khel. The washing away of Pipeline of Sadu Khel Section by the flood is ill-founded inas much as the Pipeline of Asha Khel which was also laid from the same source, has not been damaged by the flood and moreover, in case of flood capable of sweeping away GI Pipes, it would have demolished the Switch Room and would have also damaged the Tube-well but the same has not happened which negates the charge against the appellant. Moreover, the general abstract of cost of AM&R showing details of flood damages to WSS in District Nowshera copy of which has been supplied to the Enquiry Committee shows that the estimated cost for rectification of damages in the nearby localities of Sadu Khel is nominal (in thousands) which also proves that the flood has caused no particular loss in the vicinity of Sadu Khel.

C. That the Pipeline of Rising Main and distribution system of village Sadu Khel is admittedly missing and it was the responsibility of the Inquiry Committee to have investigated the issue on this line. During the execution of the Scheme the locals of the village Sadu Khel were not allowing the labour to work and were indulged in abstracting the pipes, therefore, the matter was reported to the Police vide letters dated 17.05.2010 and 25.05.2010 copies of which were supplied to the Inquiry Committee and it was thereafter that the intervention was stopped and the work completed according to standard specification of PHED. It is known to everybody that the locals of the village Sadu Khel and Kandrah Khel have removed the pipes. The Executive Engineer PHE Division, Nowshera vide his letter dated 17.12.2013 and copy of SDO letter dated 30.12.2013 were also brought into the notice of the Inquiry Committee which clearly suggests that pipes were stolen by the locals and interestingly the same are still lying with them and similarly the Chief Engineer South vide letter dated 11.09.2013 has directed the Executive PHE Division, Nowshera to take into the account the available material in Rising Main etc. of WSS Sadu Khel lying idle at the earliest. (Copy of the letter dated 11.09.2013 is attached as ***Annexure-A***). The local Police did not take proper action and only have recorded the statements of a few persons who have admitted that the pipes are lying in their houses as a national trust. Instead of action against the culprits, the appellant has been made.

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D. That since the commencement of the subject scheme, appellant remained attached therewith till May, 2010 when he was transferred to Dir Lower vide office order dated 24.05.2010 where he submitted arrival report on 01.06.2010. The charge of the post of Sadu Khel Section was then handed-over to Umar Hayat, Sub-Engineer, who was already Incharge of the Asha Khel Section of the same Division. He completed the remaining portion of Rising Main of Sadu Khel Section while work on distribution line was already completed during tenure of the appellant. (Copies of transfer order, Arrival report and Extracts from the Service Book are ***Annexure*-B**).

E. That it has been alleged that the pipe was laid longitudinally in the nulla but in fact there is no nulla but a dry Khuwar. Even Agricultural lands, residential and government buildings are there and the pipes was laid in accordance with the site requirement and properly covered under the earth upto allowable depth. There is a big difference between a nullah and a dry Khuwar. The purpose of lying GI Pipe is that it has the strength to face all weather and can be laid on surface in hilly and hard areas where excavation is not possible. The Department has approved certain manufacturing GI Pipes after making the requisite tests, and in the instant case the pipe used was that of approved firm.

F. That the Inquiry Committee has failed to bring home the charge leveled against the appellant by collecting the evidence against him. No documentary or oral evidence has been taken in support of the charge nor appellant have been provided opportunity of cross-examining the witnesses inspite of his application for summoning such witnesses for cross-examination of the appellant.

G. That inspite of the fact that appellant has established by documentary proof that the missing pipe was not only taken away by the locals and still lying with them and that the matter was properly brought into the notice of concerned authorities, the Inquiry Committee did not bother to inquire into the fact and jumped to the conclusion without any basis for holding the appellant responsible.

H. That in view of the availability of the pipe lying with the locals due to inaction on the part of the concerned authorities to recover the same, the imposition of recovery of loss of such pipes is quite illegal and therefore, is not sustainable in the eye of law. Appellant has been burdened with the responsibility for the fault of others without any justification muchless lawful.

I. That it is also pertinent to submit here that the DDWP in its meeting which was scheduled on 06.09.2013 approved a new WSS for the said area and moreover it was also decided that the cost of available material should be deducted from the existing cost of the scheme and in this respect the Chief Engineer (South) PHE Department vide letter dated 11.09.2013 ibid, directed the Executive Engineer to do the needful in this regard.

Attested to be
True C.

J. That the appellant also requests for personal hearing to explain his position before your good-self.

It is, therefore, humbly requested that on acceptance of this departmental review, the impugned Notification dated 11.11.2015 may kindly be set aside by reinstating the appellant into service with all back benefits.

Yours faithfully

Imtiaz Muhammad,
Ex-Sub Engineer
PHE Division, Swabi
R/o Village Badraga, PO Dagi,
Tehsil Razar, District Swabi

Dated: 19 / 11 /2015

Attested to be
True Copy

(46)

Annex-I I

Annex "I"

DETAIL ESTIMATE FOR RESTORATION OF FLOOD DAMAGED VARIOUS AM&R WATER SUPPLY SCHEMES IN DISTRICT NOWSHERA

GERERAL ABSTRACT OF COST

S.No	Name of Scheme	Estimated Cost (Rs.)
1	AM&R WSS Maria Akora	0.010
2	AM&R WSS Darwazgai	0.169
3	AM&R WSS Khawarai	0.058
4	AM&R WSS Gharib Pura	0.030
5	AM&R WSS Hisartang Tang	0.021
6	AM&R WSS Charpani	0.030
7	AM&R WSS Nizam Pur	0.056
8	AM&R WSS Garu Nizam Pur	0.009
9	AM&R WSS Namal	~~0.339~~ 0.337
10	AM&R WSS Pir Subuq	0.053
11	AM&R WSS Zara Maina	0.059
12	AM&R WSS Turlandi	0.055
13	AM&R WSS Mishak	0.059
14	AM&R WSS Main Issa	0.045
15	AM&R WSS Zaidi Colony	~~0.139~~ 0.137
16	AM&R WSS Kandar	~~0.187~~ 0.187
17	AM&R WSS Gandheri	~~0.398~~ 0.396
18	AM&R WSS Dag Ismail Khel (Gravity Based)	0.423
19	AM&R WSS Dag Ismail Khael (T/Well No 3&4)	0.282
20	AM&R WSS Khan Sher Ghari	0.020
21	AM&R WSS Shah Kot Baln	0.037
22	AM&R WSS Shah Kot Payan	0.050

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23	AM&R WSS Bahadar Khel	0.018
24	AM&R WSS Palosai Payan	0.036
25	AM&R WSS Pahari Katti Khel	0.045
26	AM&R WSS Manai	0.020
27	AM&R WSS Maraji	0.023
28	AM&R WSS Pir Pai (Station Koroona)	0.676
29	AM&R WSS Jaroba (Gravity based)	~~0.070~~ 0.060
30	AM&R WSS Spin khak (T /Well No-I)	0.043
31	AM&R WSS Spin Khak (T /Well No-2)	0.039
32	AM&R WSS Khair Abad	~~3.318~~ 3.005
33	AM&R WSS Shagai	0.321
34	AM&R WSS Jabbai	0.264
	G. Total;-	~~4,448,500~~ 7.573
	Say ;-	~~4,449,000~~
	OR	~~7.433~~
Add construction of new office building for XEN PHE Divn:NSR		~~4.800~~ 4.771
	OR	~~12.233~~ 11.844

Rev: A.A est T/S est saving
12.233 — 11.844 = 0.389 or 3.17% below on Rev: A A est

Sub Divisional Officer
Public Health Engg;Sub Division-I
Nowshera

Executive Engineer
Public Health Engg;Division
Nowshera

Technically sanctioned for Rs 11.844 million
(Rupees Eleven million, Eight hundred & Forty four thousand only)

CHIEF ENGINEER (South)
Public Health Engg: Department
Khyber Pakhtunkhwa Peshawar.

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Annex "M"

~~Annex-H~~

48

OFFICE OF THE EXECUTIVE ENGINEER PHE:DIVISION NOWSHERA.
No.W-36/ 01/E-6 · /Dated Nowshera the, 17 /05/2010.

To,

The S.H.O.
Police Station Nowshera.

Subject:- EXTRACTION OF PIPE LINE BY LOCALS OF VILLAGE SADU KHEL.

It has been reported by the contractor as well as by the Sub Engineer incharge that locals of village Sadu Khel have extracted pipeline of Water Supply Scheme Sadu Khel /Asha Khel on 15-5-2010 and threaten labour not to work.

It is therefore requrested that law-ful action may be taken against Culprits so that scheme can be completed by June-2010 please.

Executive Engineer
Public Health Engg:Division
Nowshera

Copy of the above is forwarded to :-

1. The District Coordination Officer District Nowshera.
2. The D.S.P, Nowshera Circle .
3. The Superintendent Engineer PHE:Circle Peshawar.
4. The Sub Divisional Officer PHE:S/Division Nowshera.

Executive Engineer
Public Health Engg:Division
Nowshera

Attested to be True Copy

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Annex-III

49

OFFICE OF THE SUB DIVISIONAL OFFICER PHE;SUB DIVISION NOWSHERA.
No.W-36/ 1 /Dated Nowshera the, 25 /05/2010.

To,

The S.H.O.
Police Station Nowshera.

Subject:- EXTRACTION OF PIPE LINE BY LOCALS OF VILLAGE SADU KHEL.

It submitted for your kind information that this department has Already requested vide Executive Engineer PHE:Division Nowshera letter No.E-6/1 Dated 17-5-2010 that locals of village Sadu Khel have extracted pipeline of Water Supply Scheme Sadu Khel /Asha Khel on 15-5-2010 and threaten labour not to work but no action has been taken so for.

It is therefore requrested that law-ful action may be taken against Culprits so that scheme can be completed by June-2010 please.

Sub Divisional Officer
Public Health Engg;S/Division
Nowshera

Copy of the above is forwarded to :-

1. The District Coordination Officer District Nowshera.
2. The D.S.P. Nowshera Circle Peshawar.
3. The Superintendent Engineer PHE:Circle Peshawar.
4. The Executive Engineer PHE:Division Nowshera

Sub Divisional Officer
Public Health Engg;S/Division
Nowshera

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Annex "N" (50)

~~Annex-IV~~

(4)

OFFICE OF THE EXECUTIVE ENGINEER P.H.ENGG; DIVISION NOWSHERA

No. Ex-1/07 / Dated Nowshera the, 17/12/12/12/2013

To,

The Station House Officer
Nowshera Kalan.

Subject:- RECOVERY OF G.I.PIPES IN VILLAGE SADU KHEL.

Dear Sir,

It is requested that a Water Supply Scheme Sadu Khel was executed in the name of Sadu Khel / Asha Khel in 2010.

During the course of time various dia of Pipes as detailed below have been extracted and taken away by locals.

S.No.	Name of villagers	Dia of Pipes.	Quantity	Remarks
	VILLAGE SADU KHEL			
1	Haji Shah Nawaz.	3" i/d G.I Pipe	20 Nos.	
		2" i/d G.I Pipe	100 Nos.	
		1-1/2"i/d G.I Pipes.	270	
2	Qanar Gul.	3" i/d G.I Pipe	60 Nos.	
3	Nasrat.	3" i/d G.I Pipe	23 Nos.	
4	Hazrat Hussain.	3" i/d G.I Pipe	2 Nos.	
	VILLAGE KANA KHEL			
1	Quraish	4" i/d G.I Pipe	Un-Known	
2	Khalid	4" i/d G.I Pipe	Un-Known	
3	Mir Zaman	4" i/d G.I Pipe	Un-Known	
4	Khair-ul-Hassan	4" i/d G.I Pipe	Un-Known	
5	Sardar	4" i/d G.I Pipe	Un-Known	

Now you are requested to recover the G.I.Pipe as mentioned above and take the lawful action against the persons.

Executive Engineer
Public Health Engg;Division
Nowshera

Copy to:-

1. The Chief Engineer (South) Public Health Engg;Department Peshawar.
2. The Superintending Engineer Public Health Engg;Circle Peshawar.
3. The Deputy Commissioner Nowshera.
4. The District Police Officer Nowshera.
5. The Sub Divisional Officer PHE;Sub Division-II Nowshera.

Executive Engineer
Public Health Engg;Division
Nowshera

Attested
True Copy

Annex-V

Annex "O"

51

OFFICE OF THE SUB DIVISIONAL OFFICER P.H.ENGG;S/DIVISION NOWSHERA

No.w-16 / 1 / Dated Nowshera the, 30 /12/2013

To,

The Station House Officer
Nowshera Kalan.

Subject:- RECOVERY OF G.I.PIPES IN VILLAGE SADU KHEL.
Reference:- Executive Engineer PHE:Division Nowshera No.AC-1/07 Dated 17-12-2013

It is to requested o take necessary action against the locals as mentioned below involved in illegal extraction of G.I Pipe and to take lawful action against the culprit,please.

S.No.	Name of villagers	Dia of Pipes.	Quantity	Remarks
	VILLAGE SADU KHEL			
1	Haji Shah Nawaz.	3" i/d G.I Pipe	20 Nos.	
		2" i/d G.I Pipe	100 Nos.	
		1-1/2"i/d G.I Pipes.	270	
2	Qanar Gul.	3" i/d G.I Pipe	60 Nos.	
3	Nasrat.	3" i/d G.I Pipe	23 Nos.	
4	Hazrat Hussain.	3" i/d G.I Pipe	2 Nos.	
	VILLAGE KANA KHEL			
1	Quraish	4" i/d G.I Pipe	Un-Known	
2	Khalid	4" i/d G.I Pipe	Un-Known	
3	Mir Zaman	4" i/d G.I Pipe	Un-Known	
4	Khair-ul-Hassan	4" i/d G.I Pipe	Un-Known	
5	Sardar	4" i/d G.I Pipe	Un-Known	

Sub Divisional Officer
Public Health Engg;Sub Division-II
Nowshera

2 — SHC
2 — 1 — 14.

1. The Executive Engineer Public Health Engg;Department Peshawar.

SI Yousaf Khan

For n/a and report

Sub Divisional Officer
Public Health Engg;Sub Division-II
Nowshera

SDO. PS. OK.
22-01-14.

Attested to be True Copy

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OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA
Ph#091-9212984, FAX#091-9210228 **E-mail:** mehmood.Phed@yahoo.com

S2

No. 05 IB-27/PHE

Annex "P"

Dated Peshawar the, 11 /09/2013.

To

The Executive Engineer,
PHE Division,
Nowshera.

Subject: DDWP MEETING SCHEDULED TO BE HELD ON SEPTEMBER 6, 2013 AT 1200 HRS UNDER THE CHAIRMANSHIP OF SECRETARY PUBLIC HEALTH E NGINEERING DEPARTMENT

Reference: Section Officer (T) PHED letter No. SO(T)PHED/3-25/2010 dated 4/9/2013.

You are directed to take into account the available material in Rising main etc: of WSS Sado Khel lying idle at earliest.

CHIEF ENGINEER (SOUTH)

Copy to the Section Officer (Tech) PHE Department Peshawar for information with reference to above.

CHIEF ENGINEER (SOUTH)

Attested to be True Copy

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(53)

~~Annex VI~~

Annex "Q"

رپورٹ متعلق واٹر سپلائی سکیم دبیہ سندوخیل

جناب عالی!

بحوالہ چٹھی انکوائری نمبری 2-SN.K / 2-1-14 مشمولہ معروض ہوں۔ کہ واقعی مذکورہ بالا کسان کے پاس گھروں میں پائپ موجود ہیں۔ کافی عرصہ پہلے باد و باران سے سیلابی ریلی آکر پائپ لائن کریش ہوکر جملہ پائپ ٹوٹ پھوٹ اور نالوں میں جگہ بہ جگہ پڑے تھے اور چند پائپ سیلابی ریلی میں بہہ چکے ہیں۔ جملہ کسان نے نیک نیتی کا مظاہرہ کرتے ہوئے قومی مال کو اٹھا کر بطور امانت اپنے پاس گھروں میں رکھے ہیں۔ خراب اور ضائع ہونے سے بچایا ہے۔ اور مشران کے نوٹس میں بھی لا دیا گیا ہے کہ جب بھی محکمہ چاہے جملہ پائپ حوالہ کریں گے اس سلسلہ میں ان کے بیانات لئے گئے ہیں۔ جو لف چٹھی ہذا ہے۔

رپورٹ عرض ہے۔

SI/P.P. Mam...

6-1-14

Attested to be True Copy

(56)

بیان آزان حاجی شاہ نواز خان

① بدریافت حاجی شاہ نواز خان ولد دولی باز خان عمر قریب 55/56 سال ساکن سیدو نے بیان کیا کہ ہمارے گھر میں تقریباً 20 پائپ موٹے اور تقریباً 66 چھوٹے پائپ موجود ہیں۔ جو کہ مشران دیہہ کی نوٹس میں ہے

66
360

الحاج شاہ نواز خان ولد دولی باز خان ساکن سیدو خیل
شاہ نواز

بدریافت حضرت حسین۔ نصرت خان پسران گلدب خان ساکن سیدو خیل نے بیان کیا کہ ہمارے گھر میں 2/2 عدد پائپ موجود ہے۔ جو کہ مشران دیہہ کے نوٹس میں ہے۔ اور زرگری (مرحوم) کے گھر میں 60/ا عدد پائپ موجود ہے۔

② الٹ حضرت حسین ولد گلدب خان ساکن سیدو خیل
حضرت حسین

③ الٹ نصرت خان ولد گلدب خان ساکن سیدو خیل

Attested

(22)

3۔ دریافت میر زمان ولد میر ... ساکن سمندو خیل حال تحصیل بعمر تقریباً 45/47 سال نے بیان کیا۔ کہ ہمارے سٹاک گھر میں 05 عدد پائپ پڑے تھے۔ بارش کی وجہ سے یار روزگار روڈ میں پڑے تھے۔ کونسلر سہیل نے میرے گھر میں بطور امانت رکھے ہیں۔ جو کہ سمندو خیل کے مشران کے نوٹس میں بھی لایا گیا ہے۔ یہی میرا بیان ہے۔

العبد میر زمان ولد میر ... ساکن سمندو خیل حال تحصیل

[signature]

4۔ دریافت کونسلر 12 ... ولد ... بعمر تقریباً 45/40 سال ساکن ... خیل نے بیان کیا۔ کہ میرے سردار ... ہمارا رشتہ دار بھائی ہے۔ جو کہ تقریباً 3/4 سال ... نے شکایت کی کہ میرا نام بچوں کے راولپنڈی میں رہا ... اس کے گھر میں موجود ہیں ہے۔ البتہ فیض الحسن ولد ... الحسن ساکن نہ خیل کے ایک کوٹھہ میں 2 عدد پائپ لگے ہیں۔ جو کہ 10/12 سال پرانے ہیں۔

العبد کونسلر 12 ... ولد ... ساکن ... خیل

[signature]

Attested to be True Copy

56

OFFICE OF THE MINISTER
PUBLIC HEALTH ENGINEERING
KHYBER PAKHTUNKHWA

Annex "R"

Subject: - ENQUIRY

It has been brought in my notice that there are some irregularities in installation of Pipe Line Scheme used / laid between the villages Asha Khel and Sadu Khel. The tube well in questioned is dis-functioning at Nowshera, in which inquiry is essential to be conducted.

You are therefore, directed to please conduct inquiry in this connection and submit Enquiry Report to office of the undersigned within 20 days positively as well as propose strict stern action against the officer/official involved in the activities

(Shah Farman)
Minister for Public Health Engineering
Khyber Pakhtunkhwa

Secretary Public Health Engineering Department

Please

R

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OFFICE OF THE CHIEF ENGINEER(SOUTH)
PUBLIC HEALTH ENGG:DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 03 /E-9/PHE

Dated Peshawar the 24 /05/2010.

Annex "8"

OFFICE ORDER.

Following transfer / postings of Sub Engineers are hereby ordered in the public interest with immediate effect:-

S.No.	Name	From	To	Remarks
1	Mr. Muhammad Imtiaz	O/O XEN PHE Division Nowsehra	O/O XEN PHE Division Dir Lower	Existing vacancy
2	Mr. Muhammad Yaseen	O/O XEN PHE Division Buner	O/O XEN PHE Division Nowshera	Vice No.1

CHIEF ENGINEER

Copy to the :-

1) Superintending Engineer PHE Circle Swat & Peshawar.
2) Executive Engineer PHE Division Buner & Nowsehra/Dir Lower
3) District Accounts Officer Buner & Nowsehra/Dir Lower
4) Official concerned.

ADMINISTRATIVE OFFICER

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R

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT
NO. SO (T)/PHED/3-25/2011-12
Dated Peshawar the 13th September, 2013

To

1. The Additional Secretary (Dev)
   Finance Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Chief of Section (Infrastructure)
   Planning & Development Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
3. The Chief Engineer (North)
   Public Health Engineering Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
4. The Chief Engineer (South)
   Public Health Engineering Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar

Subject: **MINUTES OF THE DDWP MEETING HELD ON 06.09.2013 AT 1200 HRS IN THE COMMITTEE ROOM OF PUBLIC HEALTH ENGINEERING DEPARTMENT**

I am directed refer to the subject noted above and to enclose herewith a copy of minutes of the DDWP meeting held under the chairmanship of Secretary, Public Health Engineering Department on 06.09.2013 at 1200 Hours for information and further necessary action, please.

Encls: A.A

SECTION OFFICER (TECH)

Copy forwarded to:-

1. The Director Planning and Monitoring, PHE Department, Khyber Pakhtunkhwa
2. The P.S to Secretary PHE Department, Khyber Pakhtunkhwa
3. The P.A to Deputy Secretary (Tech) PHE Department, Khyber Pakhtunkhwa

SECTION OFFICER (TECH)

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MINUTES OF THE DDWP MEETING HELD ON 06.09.2013 AT 1200 HRS IN THE COMMITTEE ROOM PUBLIC HEALTH ENGG: DEPARTMENT

A DDWP meeting was held in Committee Room of Public Health Engineering Department on 06.09.2013 at 1200 Hours under chairmanship of Secretary PHED. List of participants is enclosed vide Annex-"A".

The following agenda items were discussed and decided during the meeting:

Agenda Item No.01:- **Water Supply Scheme Doran District Nowshera under Umbrella Project Titled "Construction of Water Supply Schemes in Khyber Pakhtunkhwa" ADP No.212 /120611 2013-14** (ADP#193/120611 2012-13)

The Deputy Secretary (Tech) appraised the forum that the Umbrella project/PC-I was approved by the PDWP in its meeting held on 08.11.2012 at a cost of Rs.1765.093 million and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 dated 19.11.2012. Subsequently, the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012, and Administrative Approval was issued on 01.01.2013 for a cost of Rs. 16.000 million.

During detailed discussion, it was noted that the revised scheme is 58% above the AA cost (25.386 million) but as it is under the umbrella project the total revised cost is within the limits of 10% therefore, the umbrella program approved by PDWP remains unchanged. It was informed to the forum that a note was forwarded to P&D Department for guidance about the change in scope of work. The P&D department agreed to put the case to DDWP forum for discussion/approval.

The Executive Engineer PHE division Nowshera stated that the scope of work has been changed in the light of CM's directives issued on June 4,2013.The revised scheme is divided in two zones; in zone-I, the rising main was proposed at a distance of 3500 feet which has been now increased to 13350 feet due to the reason as the site was declared unsuitable for tube well by resistivity survey. Moreover in zone-II, the tube well has been replaced by infiltration gallery/collecting well as there was no suitable site for tube well in the light of resistivity survey report.

The Chief Engineer (South) informed the forum that due to flood some pipe was washed away and some was stolen and some pipe is in the custody of the

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contractor. He suggested that that pipe should be deducted in the revised PC-I estimate. The chair agreed with the chief engineer.

The representative of P&D department asked about the surface reser that there is only one reservoir for both zones. The SDO Nowshera in reply stated t reservoir for zone-I already exist, the proposed reservoir is for zone-II.

Decision:-

Revised PC-I/Cost Estimate for construction of Water Suppl Scheme Doran District Nowsherawas approved after deducting pipe cost asproposed by Chief Engineer (South) and the PC-I cost reframed accordingly for Administrative approval.

Agenda Item No.02&03:-

i) **Water Supply Scheme KotWali Dad, GarahMehmood, SahdiKhel, Hathala, Garah Jana, GarahBakhtiar, Haroon Abad, NajeebSahh Bore, KotZafaraJadeedAbadi** *Replaced Over* WSS looni, GarahMadda, KotKundian, GarahBakhtiar,Takhwara&Adj: Villages PK-67

ii) **Water Supply Scheme Unarah, Mir AlamPK-67** *Replaced Over* WSS Daraban, Choudhwan, Gandi Umber Khan, GoodiAshiq, New Garah Khan, Saggu, Jhoke Mangle, KirriShamozai, Gurwalai, JhokeSerwer, Jhoke Dino **District D.I. Khan Under Umbrella Project Titled "Construction Of Water SUPPLY Schemes in Khyber Pakhtunkhwa"**

The Deputy Secretary (Tech) appraised the forum that the Umbrella project/PC-I was approved by the PDWP in its meeting held on 08.11.2012 at a cost of Rs.1765.093 million and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 dated 19.11.2012. Subsequently, the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012, and Administrative Approval for both schemes were issued on 19.12.2012 for a cost of Rs. 16.000 million.The directive was cancelled vide Finance Department letter No. SO(Dev-II)/11-5/2012-13/FD dated 12.03.2013. The replaced scheme has been identified by Mr. Israr-Ullah Khan Gandapore, MPA PK-67 and CM has directed for execution of the schemes.

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During detailed discussion, it was noted that the revised schemes are both of 16 million cost same as the old cost. It was informed to the forum that a note was forwarded to P&D Department for guidance about the change in name/scope of work. The P&D department agreed to put the case to DDWP forum for discussion/approval.

During discussion it was pointed out by representative of finance department that as the replaced schemes are new under an on-going program therefore, it cannot be tender unless new consultant based system for implementation is in place. It was informed that scheme is under Umbrella Project which is ongoing however as per instruction of P&D Department Scheme will be executed under new policy by involving the Consultant.

Decision:

The Schemes were approved in principle for execution however, it was decided by the forum that consultant will be involved in the feasibility, design, preparation of PC-I and supervision of schemes.

The meeting ended with a note of thanks from the chair.

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LIST OF PARTICINPANTS OF DDWP MEETING HELD ON 06.09.2013 IN THE COMMITTEE ROOM OF PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA

S. No	Name	Designation	Signature
1.	Mohammad Yousaf	XEN D.I.Khan	
2.	Muhammad Faisal Naeem	SDO, PHED	
3.	Shahzada Behram.	XEN PHED	
4.	SIKANDAR KHAN	CE(South) PHED	
5.	Mohammad Tariq	Ro(T-I) Infra	
6.	Raza Ali Habib	DS(Dev) Finance	
7.	Muhammad Ikram	M. Ikram	SO(CT), PHE
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No. BO1/ FD/12-2/2010-11/PHE/Nowshera
Dated Peshawar, the 15/03/2011

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To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar.

Annex "P"

Subject: - **SANCTION OF CLASS-IV POSTS.**

Dear Sir,

I am directed to refer to your letter No.ACCTT/PHE/1-18/SNE/2009-10/Nowshera dated 20/12/2010 on the subject noted above and to say that Finance Department agrees to the creation of forty-two (42) posts of **Operator-cum-Chowkidar (BPS-1)** for operation and maintenance of the following Rural Water Supply Schemes in District Nowshera with immediate effect subject to observance of all codal formalities by the Administrative Department:-

S#	Name of Scheme	No. of posts	S#	Name of Scheme	No. of posts
Tehsil Nowshera			20.	RWSS Mughal Kai.	01
1.	RWSS Nizam Pur	01	21.	RWSS Fazal Gunj.	01
2.	RWSS Sadu Khel/Asha Khel	01	22.	RWSS Kahi No.II	01
3.	RWSS Ziarat Kaka Sahib/Spin Kani (2 T/Wells)	02	23.	RWSS Ziarat Kaka Sahib (Baba Khel)	01
4.	RWSS Bahader Khel	01	24.	RWSS Bara Banda	01
5.	RWSS Khisary Lakhary	01	25.	RWSS Khalil Abad	01
6.	RWSS Ghanderi-II/III (2 T/W)	02	**Tehsil Pabbi**		
7.	RWSS Darwazgai	01	26.	RWSS Jalozai No.I.	01
8.	RWSS Misri Banda	01	27.	RWSS Dag Ismail Khel.	01
9.	RWSS Akora Khattak	01	28.	RWSS Spin Khak.	01
10.	RWSS Rashaki (Khura Abad)	01	29.	RWSS Bakhtai.	01
11.	RWSS Zaidi Colony	01	30.	RWSS Kotli Khurd	01
12.	RWSS Spin Kani (Cherat)	01	31.	RWSS Jaroba	01
13.	RWSS Adam Zai.	01	32.	RWSS Chowki Drab	01
14.	RWSS Marhati Banda.	01	33.	RWSS Saleh Khana-I-II (2 T/W)	02
15.	RWSS Shahab Khel.	01	34.	RWSS Ali Baig/Qasim.	01
16.	RWSS Kahi No.1.	01	35.	RWSS Dagai	01
17.	RWSS Shagai.	01	36.	RWSS Jalozai No.II.	01
18.	RWSS Toor Dher.	01	37.	RWSS Khan Sher Gari	01
19.	RWSS Dheri Khattak-I-II (2 T/Wells)	02	38.	RWSS Ghazi Abad (Dag Ismail Khel)	01

2. The expenditure involved is debitable to the function-cum-object Classification "**06-Housing & Community Amenities, 063-Water Supply, 0631-Water Supply, 063101-Administration (Grant No.16) NR 6009 - PHED District Nowshera** and will be met through A/C-IV of District Nowshera during the financial year 2010-11.

3. As regards creation of additional posts, full justification in respect of the remaining schemes in light of the policy guidelines on the subject in vogue may kindly be furnished to this Department for further processing of the case.

Yours faithfully,

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(SYED KAZIM HUSSAIN SHAH)
Budget Officer-I

Endst. No. & Date Even.

Copy is forwarded to the:-

1) Chief Engineer (South), PHE Peshawar.
2) Director FMIU, Finance Department for updation in the system.
3) District Coordination Officer, Nowshera.
4) EDO, Finance & Planning, District Nowshera.
5) Executive Engineer, PHE, District Nowshera.
6) District Accounts Officer, Nowshera.
7) Budget Officer (PFC.II), Finance Department, Peshawar.
8) Assistant Programmer-II, HR Wing, Finance Department for updating the HR Data Base
9) Master File.

BUDGET OFFICER-I

BO-I PD.

① ~~Show Cost~~

② ~~Transfer from elsewhere.~~
~~to staff office / D.I. Khan~~

③ ~~Section of post~~

date of allotment

No -08/E-6

dated = 5-7-2011

Arrival = 6-7-2011

(64) (2)

GOVT;OF PAKISTAN
PLANNING DIVISION

FORM-PC-IV

FORM FOR SUBMISSION OF COMPLETION REPORT OVER DEVELOPMENTAL PROJECTS.

To be Submitted on the Physical Completion of the Projects Regarding of whether or not the Accounts of the Project have been Closed.

1.	**Name of Project:-**	**Water Supply Scheme Sadu Khel/Asha Khel.** ADP No. 205/31339
2. a.	**Administrative Authority Responsible for.**	
	i. **Sponsoring.**	Govt;of Khyber Pukhtonkhwa.
	ii. **Executing.**	P.H.Engg;Department
j.	**Central Ministry Concerned with.**	
	i. **Sponsoring .**	
	ii. **Executing.**	
3. a.	**Date of Actual Commencement of Project.**	15-4-2005
r.	**Date of Actual Completion of Project.**	30-6-2010.
s.	**Period of Completion of Project As Originally Planned.**	5-Year.

PROJECT HISTROY.

A.	**Sanction Cost.**	**A.A** Rs.0.956 (M)	**T.S.** Rs.11.095 (M) 24-10-2009	**Revised T.S.**
B.	**Local F.E.Total.**			
C.	**Remarks.**			

4.	**Date of original Sanction.**	18-12-2004
	Date of Ist Revision.	19-9-2006
	Date of 2nd Revision.	06-2-2007
	Date of 3rd Revision.	25-5-2009
	Date of 4rth Revision.	25-6-2010
	Actual Cost.	Rs. 10.761 (M)
5.	**Phassing of Project (Financial).**	
	Phassing as Actual.	
	Actual Remarks.	
	Amount.	
	Provision.	
	Released.	

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Year. 1.
2.
3.
4.
5.

C. Phasing of Project (Physical)

Phasing as Per PC-I.

Actual Remarks.

Last Revision.

Year. 1.
2.
3.
4.
5.

Have the Accounts for the Project been Closed ? Yes

If Not , What Amount in still Un-Accounted for ? Clossed

6. Number of Persons Employed. Operator. 1 No
Valve Man. 2 No
Chowkidar. 1 No

CATEGORY.

PLANNED:- Local & Foreign.

Actual. Local & Foreign.

10. Benefits and Reqorked on the Basis of Actual Costs (Give detail of Expected Changes in Recurring Costs and Benefits. To provide Drinking Water facilities to the peoples of the area.

p. Benefit Cost Ratio ¼ Irr:
q. Profit Sale.
r. Cost Per Unit of Service.
s. Non Quantitiable Benefits.
t. Specify and Charges in Scope or Design of Original Scheme.
xiii. Preparation of Estimate.
xiv. Impementation of Project.
xv. Prevention of Delays.
xvi. Presentation of Cost Escalation other Suggestions.

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Sub Engineer
(UMAR HAYAT)

Sub Divisional Officer
P.H.Engg;S/Division
Nowshera
(ASAD ALI)

Executive Engineer
P.H.Engg;Division
Nowshera
(NASIR LATIF)

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal

Imtiaz Muhammad

Appellant(s)/Petitioner(s)

VERSUS

The Govt of KPK

Respondent(s)

I/We _____ do hereby appoint **Mr. Khaled Rehman, Advocate** Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.

2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.

3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Signature of Executants

Khaled Rehman,
Advocate,
Supreme Court of Pakistan

3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230/2016

Mr. Imtiaz Muhammad,
Ex-Sub- Engineer PHE ..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Minister, Khyber Pakhtunkhwa
2. Government of Khyber Pakhtunkhwa through Chief Secretary
3. Secretary Public Health Engg: Department Peshawar
4. Chief Engineer (South), PHE Khyber Pakhtunkhwa Peshawar
5. District Police Officer, District Nowshera ..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2, 3 & 4

Respectfully Sheweth,

Preliminary Objections

1. That appellant has got no cause of action and locus standi.
2. That appellant has not come to this Hon'able tribunal with clean hands.
3. The appeal is time barred.
4. The appeal is not maintainable in its present form and circumstances.
5. The appeal is bad for non joineder and misjoinder of unnecessary parties.
6. The appellant has been estopped by his own conduct to file the instant appeal.

Facts of the case

1. Pertains to record, hence no comments.
2. Correct. Pertain to record.
3. Incorrect, not admitted and misconceived. The competent authority (Chief Minister Khyber Pakhtunkhwa), served the charge sheets and statement of allegations upon the appellant alongwith other accused officials, being involved in a glaring case of misconduct & corruption and appointed an Inquiry Committee, comprising Mr. Manzoor Ahmad,

Director Transport, Khyber Pakhtunkhwa and Engr. Nasir Ghafoor, Superintending Engineer, Irrigation Department. The appellant alongwith other accused submitted their replies to the aforesaid said charge sheets and statement of allegations. The aforesaid Inquiry Committee submitted its report wherein the committee derived certain conclusions (**Annex-I**) which reveals that the PHED standard specifications have not been fully followed during the burying of pipes and in case of laying the pipes on ground/rocky surface, no proper clamping arrangement was observed. Due to non-installation of the distribution system of the scheme, the payment made was in advance without execution of work at site. Thus, the charges mentioned in the charge sheets and statements of allegations were proved against the accused officers/officials, including the appellant. The Inquiry Committee had also assessed the apportionment of losses, caused to the Government exchequer, against the accused officers/officials (including the appellant), as under:-

S.No	Name of the accused Officer/Official	Proportionate loss caused to the Government exchequer
1.	**Engr. Nasir Latif** (BPS-18), Ex-Executive Engineer, PHE Division Nowshera	Rs.1,583,999/- (Rupees fifteen lacs eighty-three thousands nine hundred and ninety-nine only).
2.	Mr. Yousaf Jan (BPS-11), Ex-SDO (OPS) PHE Division Nowshera	Rs.1,583,999/- (Rupees fifteen lacs eighty-three thousands nine hundred and ninety-nine only).
3.	Mr. Imtiaz (BPS-11), Ex-Sub Engineer PHE Division Nowshera	Rs.791,999/- (Rupees seven lacs ninety-one thousands nine hundred and ninety-nine only).
4.	Mr. Umar Hayat (BPS-11), Ex-Sub Engineer PHE Division Nowshera	Rs.791,999/- (Rupees seven lacs ninety-one thousands nine hundred and ninety-nine only).

4. Correct to the extent of issuance of chow cause notice to the appellant. However, the reply to the show cause notice was not satisfactory and the competent Authority after having considered the charges, material on record, inquiry report of the Inquiry Committee, explanation of the appellant during personal hearing held on 09-09-2015 and in exercising his powers conferred under Rule-14 (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, imposed the major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.791,999/-**", upon the appellant, vide PHED Notification dated 11-11-2015.

5. Incorrect and not admitted. The review petition of the appeal was submitted to the competent authority (Chief Minister Khyber Pakhtunkhwa). The competent authority (Chief Minister Khyber Pakhtunkhwa) in terms of Section 17 (2) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, upheld the order of penalties imposed and rejected appeal/review petition of the appellant and he was informed accordingly (**Annex-II**).

GROUNDS:

A. That ground 'A' of the appeal is incorrect, not admitted and misconceived. The appellant has been treated in accordance with law, rules and policy and no violation of rules has been made. Hence, this Department's Notification dated 11-11-2015 is quite legal, lawful and justified.

B. That ground 'B' of the appeal is incorrect, not admitted and misconceived. Detailed reply has been given vide Para-3 of the facts supra.

C. That ground 'C' of the appeal is incorrect, not admitted and misconceived. Though the WSS Sadu Khel shown as completed by 30-06-2010 was not operationalized due to non existence of Rising/Pumping Main and Distribution System in the village against which payment was made to the contractor but the pipeline was found missing. New WSS Doran Zone-1 and Zone-2 (Sadu Khel) was approved for Rs.16.000 million on 01-01-2013 and approval for revised PC-I was granted in the DDWP meeting held on 06-09-2013, containing installation of new pipes for the entire Supply Main. Hence, causing the Government to have extra expenditures on the scheme, once supposed to be installed as per specifications of PHED. The Inquiry Committee submitted its report wherein the committee derived certain conclusions (**Annex-III**) which reveals that the PHED standard specifications have not been fully followed during the burying of pipes and in case of laying the pipes on ground/rocky surface, no proper clamping arrangement was observed. Due to non-installation of the distribution system of the scheme, the payment made was in advance without execution of work at site. Thus, the charges mentioned in the charge sheets and statements of allegations were proved against the accused officers/officials, including the appellant.

D. Incorrect and not admitted. The competent authority may impose any penalty based on nature of the case. Besides, recovery is not a penalty but to recoup the loss from the culprit.

E. Incorrect and not admitted. The inquiry committee comprising Mr.Manzoor Ahmad, Director Transport, Khyber Pakhtunkhwa and Engr. Nasir Ghafoor was constituted with the approval of the competent authority. The aforesaid Inquiry Committee submitted its report as explained in para "3" of the facts.

F. Incorrect, not admitted and misconceived. The case has already been explained in para "E" of the grounds and para "3" of the facts above.

G. Incorrect, not admitted and misconceived. As explained in para 3 of facts and "E" and "F" of the grounds above.

H. Incorrect, not admitted and misconceived. The competent authority has provided the opportunity of personal hearing to all the accused, including the appellant on 09-09-2015 in the instant case. However, the appellant could not provide any documented proof in defense of his case.

I. Incorrect, not admitted and misconceived. The inquiry committee in its report has clearly mentioned that the PHED standard specification have not been fully followed during the burying of pipes and in case of laying the pipes on ground/rocky surface, no proper clamping arrangement was observed. Due to non-installation of the distribution system of the scheme, the payment made was in advance without execution of work at site. Thus, the charges mentioned in the charge sheets and statements of allegations were proved against the accused officers/officials, including the appellant. The Inquiry Committee had also assessed the apportionment of losses, caused to the Government exchequer, against the accused officers/officials (including the appellant), as under:-

S.No	Name of the accused Officer/Official	Proportionate loss caused to the Government exchequer
1.	**Engr. Nasir Latif** (BPS-18), Ex-Executive Engineer, PHE Division Nowshera	Rs.1,583,999/- (Rupees fifteen lacs eighty-three thousands nine hundred and ninety-nine only).
2.	Mr. Yousaf Jan (BPS-11), Ex-SDO (OPS) PHE Division Nowshera	Rs.1,583,999/- (Rupees fifteen lacs eighty-three thousands nine hundred and ninety-nine only).
3.	Mr. Imtiaz (BPS-11), Ex-Sub Engineer PHE Division Nowshera	Rs.791,999/- (Rupees seven lacs ninety-one thousands nine hundred and ninety-nine only).
4.	Mr. Umar Hayat (BPS-11), Ex-Sub Engineer PHE Division Nowshera	Rs.791,999/- (Rupees seven lacs ninety-one thousands nine hundred and ninety-nine only).

J. Incorrect and not admitted. On a complaint received regarding non-functional of Water Supply & Sanitation Schemes Sadu Khel/Asha Khel and other irregularities in installation of pipe lines/Tube Wells, facts finding inquiry was conducted by the Chief Engineer PHE. The Enquiry Officer reported (**Annex-IV**) that the Water Supply Scheme Sadu Khel, shown as completed by 30-06-2010 was not operationalized due to non existence of Rising/Pumping Machinery Main and Distribution System in the Village against which payment was made to the Contractor but the pipe line was found missing. The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface and was not buried at proper depth. The work was not carried out according to the standard specifications of PHED and consequently washed away by flood. In this way, the supervisory staff including the appellant put the government to a loss of Rs.4,751,996/-. Some portion of pipeline i.e. 2500 Rft existed at the site was not installed according to the standard specifications of PHED. Some portion of the Rising main installed in the hilly area on the surface was missing. During inspection of pipe distribution system, the entire pipeline work was found missing. The following paid work was not existed at the site of work:-

Site of Work	Size	Length	Cost
Distribution System	4" G.I. Pipe	350 Meter	Rs.391,736/-
	3" G.I. Pipe	945 Meter	Rs.723,522/-
	2" G.I. Pipe	921 Meter	Rs.441,512/-
	1.5" G.I. Pipe	2529 Meter	Rs.981,046/-
Rising Main	4" G.I. Pipe	2316 Meter	Rs.2,214,180/-
Total			**Rs.4,751,996/-**

The Inquiry Officer pointed out that the following supervisory staff (including the appellant) were responsible for putting the government into a loss of Rs.47,51,996/-:-

1) Nasir Latif XEN (BPS-18)
2) Yousaf Jan SDO (OPS) (BPS-11)
3) Mr.Imtiaz Sub Engineer (BPS-11)
4) Umar Hayat Sub Engineer (BPS-11)

The above irregularities and findings were also reported by the formal inquiry, conducted by an Inquiry Committee comprising Mr. Manzoor Ahmad, Director Transport, Khyber Pakhtunkhwa and Engr. Nasir Ghafoor, Superintending Engineer, Irrigation Department. Hence, the petitioner's claim that he completed the scheme as per approved plan and specifications of PHED is incorrect, false and fictitious.

K. Incorrect, not admitted and misconceived. As para-1 supra.

L. Incorrect and not admitted. The inquiry committee has conducted detail comprehensive inquiry in the instant case. Detail reply has been given in para "C" and "E" of the grounds and para "3" of the facts.

M. Incorrect, not admitted and misconceived. Though the WSS Sadu Khel shown as completed by 30-06-2010 was not operationalized due to non existence of Rising/Pumping Main and Distribution System in the village against which payment was made to the contractor but the pipeline was found missing. New WSS Doran Zone-1 and Zone-2 (Sadu Khel) was approved for Rs.16.000 million on 01-01-2013 and approval for revised PC-I was granted in the DDWP meeting held on 06-09-2013, containing installation of new pipes for the entire Supply Main. Hence, causing the Government to have extra expenditures on the scheme, once supposed to be installed as per specifications of PHED.

N. Incorrect, not admitted and misconceived. The pipe (Rising Main) was not buried according to PHED standard specification and payment was made to the contractor and consequently washed away by flood. Thus the supervisory staff including the appellant put the government to a loss of Rs. 47,51,996/-

O. Incorrect, not admitted and misconceived. Detail reply has been given in para "M" of the grounds.

P. Incorrect, not admitted and misconceived. It was the responsibility of the executing/supervising officers/officials to make the contractor bound to carry out specific performance of his contract. Besides, the individuals security, amounting to Rs. 600000/- is insufficient to cover up the loss of Rs. 47,51,996/- inflicted upon the Govt. Further details given vide para "j".

Q. As per paras above further to add that PC-IV is also initiated and processed by the executing/supervisory staff, including the appellant, and is being forwarded to the Finance Department through PHED. The executing staff is responsible for wrong/false information (if any), provided in the PC-IV. Above all, the accused alongwith others have been proceeded under the Khyber Pakhtunkhwa Govt servants E&D Rules, 2011 on account of substandard work and no actual execution of some components of the scheme. Hence, the appellant is guilty of inefficiency, corruption; and misconduct and the competent authority has rightly penalized him/them.

R. Pertain to record, hence no comments with the addition that the instant departmental action against the appellant has exposed his claim of spotless service.

S. That this Department may also be allowed to add additional grounds and facts in due course of time.

PRAYERS

Keeping in view the position explained above, it is very humbly requested that the instant appeal, being devoid of any merit, may graciously be dismissed in favour of the respondents with cost throughout.

CHIEF ENGINEER (SOUTH)
PHE PESHAWAR
(Respondent No.4)

SECRETARY TO GOVT. OF KPK
PHE DEPARTMENT
(Respondent No.2 & 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230/2016

Mr. Imtiaz Muhammad,
Ex-Sub- Engineer PHE ..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Minister, Khyber Pakhtunkhwa
2. Government of Khyber Pakhtunkhwa through Chief Secretary
3. Secretary Public Health Engg: Department Peshawar
4. Chief Engineer (South), PHE Khyber Pakhtunkhwa Peshawar
5. District Police Officer, District Nowshera .....Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2, 3 & 4

AFFIDAVIT

I, Sanobar Khan, Chief Engineer (South) PHED Peshawar, do hereby solemnly declare that contents of the Para-wise comments are correct to the best of my knowledge and record and nothing has been concealed from this honourable Court.

Deponent

Chief Engineer (South)
PHE Department

Annex-D

(18)

GOVERNMENT OF KHYBER PAKHTUNKHWA

(D)

ENQUIRY REPORT UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011 REGARDING

IRREGULARITIES COMMITTED IN WATER SUPPLYSCHEME ASHA KHEL SADU KHEL NOWSHERA.

Conducted by

Engr. NasirGhafoor Khan
Superintending Engineer,
Irrigation Department.

Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa.

Attested

April 2014

(19)

ENQUIRY REPORT UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011 REGARDING IRREGULARITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.

1. ORDER OF ENQUIRY: The competent authority (Chief Minister, Khyber Pakhtunkhwa) has been pleased to order the inquiry against the under noted officers, vide Section Officer Establishment, Government of Khyber Pakhtunkhwa Public Health Engineering Department letter no. SO (Estt)/PHED/8-36/2014 dated January 3, 2014 (Annexure-A).
   I. Engineer. Nasir Latif (BPS-18) the than Executive Engineer, PHE Division Nowshera, now working as Design Engineer (South), PHE Peshawar.
   II. Mr. Yousaf Jan (BPS-11) the than Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.
   III. Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.
   IV. Mr. Umar Hayat (BPS-11) the than Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.

2. TERMS OF REFERENCE / ALLEGATION AGAINST THE OFFICERS / OFFICIALS

Engineer Nasir Latif, (BPS-18), Executive Engineer.

Mr. Yousaf Jan, (BPS-11), Sub Divisional Officer (OPS).

Mr. Imtaiz, (BPS-11), Sub Engineer.

Mr. Umer Hayat, (BPS-11), Sub Engineer.

The following are the allegations against the above named officers/officials:-

i. In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.

ii. The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.

iii. Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.

iv. The work was not carried out as per standard specification of PHED.

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3. ENQUIRY PROCEEDINGS

(20)

I. On receipt of enquiry letter no. SO (Estt)/PHED/8-36/2014 dated January 3, 2014 from the Section Officer Establishment, Government of Khyber Pakhtunkhwa Public Health Engineering Department, Peshawar, copies of charge sheet and statement of allegations duly signed by the competent authority were served upon the accused officers/officials vide Project Director, Bazai Irrigation Project, Mardan letter No. 996/PD/Bazai/14/6-E dated 13-1-2014 through courier services (Annexure-B).

II. The Executive Engineer, Public Health Engineering Division, Nowshera was requested vide Project Director, Bazai Irrigation Project, Mardan letter No. 997/PD/Bazai/14/6-E dated 13-1-2014 (Annexure-C) through courier service to provide copies of the relevant documents concerning to the enquiry / charges on urgent basis. Reminder letter was issued to the Executive Engineer, Public Health Engineering Division, Nowshera vide Project Director, Bazai Irrigation Project, Mardan letter No. 1014/PD/Bazai/14/6-E dated 22-1-2014 (Annexure-D).

III. The Executive Engineer, Public Health Engineering Division Nowshera provided records vide his letter no. Enqr-1/02 dated 4-2-2014 (Annexure-E).

IV. The record was accordingly examined, it was noticed that few pages of the record was supplied by the Executive Engineer, Public Health Engineering Division, Nowshera, which was not even readable and was again requested vide Project Director, Bazai Irrigation Project, Mardan letter No. 1353/PD/Bazai/14/6-E dated 10-3-2014 (Annexure-F).

V. The Executive Engineer, Public Health Engineering Division, Nowshera vide letter No. 07/Enquiry-1, dated 13-3-2014 (Annexure-G) supplied the questioned record.

VI. The Section Officer Establishment, Office of Secretary to Government of Khyber Pakhtunkhwa Public Health Engineering Department was requested vide Project Director, Bazai Irrigation Project Mardan letter No. 1025/PD/Bazai/14/6-E dated 23-1-2014 (Annexure-H) informing him that the copy of the charge sheet and statement of allegations were sent to Mr. Yousaf Jan, Sub Engineer PHE FATA Sub Division, Kohat through courier services but the same was returned by the courier company with the remarks as un-delivered. The Section Officer, Establishment, Public Health

Attested

Engineering Department was requested to deliver the charge sheet and statement of allegations to the accused official through his own sources.

VII. The accused officer Engineer. Nasir Latif Executive Engineer. Umar Hayat Sub Engineer and Imtiaz Sub Engineer requested for extension of stipulated time by a week on 17-1-2014, which was reported to Secretary to Government of Khyber Pakhtunkhwa. Public Health Engineering Department. Peshawar vide Director Transport letter No. Dir/Tpt/257-59 dated January 22, 2014 (Annexure-I) for extension of two weeks time to the accused officers/officials, enabling them to examine the relevant record.

VIII. The SHO Police Station Nowshera was approached vide Project Director, Bazai Irrigation Project. Mardan letter No. 1352/PD/Bazai/14/6-E dated 10-3-2014 (Annexure-J) to check his office record and intimate the legal action taken by his office with regard to theft of water supply pipe lines. Subsequent reminder was issued to the SHO Police Station, Nowshera vide Project Director, Bazai Irrigation Project, Mardan letter No. 1440/PD/Bazai/14/6-E dated 8-4-2014 (Annexure-K) but no response has been received from the concerned police station till filling of the inquiry report.

IX. The accused officers/officials submitted their written replies within the requested extended time. February 10th, 2014 was fixed for personal hearing of the accused officers/officials. During the course of personal hearing various quarries were carried out by the inquiry committee. The accused officers/officials requested that the response shall be submitted in shape of written statements in addition to their previous statements to the charge sheet which they did on 13-2-2014. The earlier replies of the accused officers/ officials were not framed in an annotated form as per the leveled charges/allegations against them therefore they were directed to submit the same which they did on 22-04-2014 (Annexure-L).

X. The site was visit on March 3rd, 2014, jointly by the enquiry committee and concerned Engineering Staff of Public Health Engineering Division, Nowshera. Before proceeding to the site the members of the inquiry committee had a detail meeting with the incumbent Executive Engineer and his staff regarding the scheme. They were directed to provide all relevant documents of the scheme at the earliest.

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It was pointed out that the already supplied documents are insufficient and have information that is not legible. It was informed that due to the Flood 2010 most of the divisional record get destroyed or was damaged. Executive Engineer was directed to make efforts for obtaining the relevant record from other offices otherwise it shall be tried to be reproduced and submitted. Their after the scheme was visited in detail and observations/quarries were raised for clarification. Certain documents and information that has been asked for from the accused, local authorities and the incumbent staff i.e. Contract agreement, pictures of the scheme during the construction phase, F.I.R if any on the stolen pipes, test results etc. but the same have not been provided till the filling of the inquiry.

XI. A letter No 01/Inquiry-1 dated 17-04-2014 and 22-04-2014 from the Executive Engineer, PHED Nowshera has clarified that most of the record measurement were washed away by flood 2010 and have submitted some photocopied pages of the M.B of Sadu Khel portion. The Executive Engineer has further certified that the letters issued to the S.H.O, Police Station, Nowshera in May 2010 are not available on their office record. No photographs of the work carried out during the execution period are available on record and neither any test results of the work carried can be traced (Annexure-M).

CHARGES AND REPLIES OF THE ACCUSED PERSONS

i) The charges / allegations against Engr. Nasir Latif, XEN and his replies thereof are discussed in annotated form as under:-

S.No	Charge	Reply of the accused
1	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Clause (i), if read in isolation of remaining clauses, does not convey any accusation against me nor does it state any independent charge against any one. This clause alone does not state/ disclose any particular accusation as to whether: (a) Fake payments were made without laying the pipes?

25/04/14

(23)

(b) The pipes were washed away by flood?

(c) The pipes were stolen after they were laid?

And hence a highly defective charge being vague and dumb.

If we presume it a separate charge then (with due respect) it does not contain any allegation against me or any one else and hence not require any separate reply.

But if it is part and parcel of the same and single charge, then my earlier detailed reply coupled with subsequent explanation sufficiently repel things, wherein I have categorically denied/ disproved the false charge/ accusation as in para 9 to 16 of my reply I have belied the possibility of washing away of pipes by flood while in para 17 to 27 I have proved the fact of stealing pipes by the locals.

No steps seem to have been taken for collecting the stolen pipes still lying in the custody of various individuals. While on the other hand, efforts are being made to save the skin of the culprits and justify the false charge by making accused an escape goat. *I reserve the right of a judicial review.*

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2	The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	As stated in para 2 of my earlier explanatory memo. it has incorrectly been alleged that the pipe line (Rising Main) was laid in the Nullah longitudinally on the surface without burying the pipeline in depth. In fact there is no Nullah but a dry-khwar in the shape of barren land where agricultural lands; residential and government buildings and tube-well are there while the pipe was laid in accordance with site requirements and was properly covered under the earth up to allowable depth. With due respect. where the pipe is missing and not available on site (being stolen or washed away), how can one say/ allege that it was laid in the Nullah longitudinally on the surface without burying it in depth? The department has not been able to produce any oral or documentary evidence in support of this allegation. I have submitted a separate application for providing opportunity of cross examination on such witness, if any. While in absence of such evidence. it will be unlawful to believe the charge. With due respect. the very purpose of laying G.I. Pipe is that it has the strength to face all weathers and even can be laid on the surface in hilly and hard areas, where excavation is not possible. The department has approved certain manufacturing G.I. Pipes after making required tests and in this case the pipe used was that of the approved firm.

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3	Pipes of various sizes measuring 7061 Meter are missing causing a loss of Rs.4751996/- to the public exchequer.	Under the law an accused cannot be required to prove his innocence until prosecution brings oral and/ or documentary evidence on record in support of the charge/ accusation thereby shifting burden to the accused to prove his innocence and belie the prosecution evidence. It was for the department to prove its allegations against the accused. But till date they have neither brought any oral or documentary evidence on record nor have been able to shift burden to the accused for proving their innocence. I reserve my right of cross examination on such witnesses (if any). With due respect, the department has not been able to specify quantity and cost with reference to Rising Main and Distribution, nor has it been able to state the quantity of various sizes with cost thereof, which prima facie suggest that the charge has been framed in the air for ulterior motives.
4	The work was not carried out as per standard specification of PHED.	Beyond all doubts the pipeline of *Sadu Khel* was laid as per approved plan according to the standard specification of PHED. In this regard, the work on *Asha Khel* section is a speaking proof of executing work in accordance with the standard specification of PHED, as the same is satisfactorily working and no defect could have been noticed therein, which sufficiently belie the false charge/ accusation. This clause of the charge is dumb and vague as it does not identify/ specify any particular rule(s)/ standard specification deviated from. In absence of such identification, the baseless charge/ accusation fall to the ground being

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		without substance. Is there any competent person in the department to identify the particular provision/ specification which the undersigned/ accused has violated or deviated from? I request the Hon'ble Inquiry Committee to pin-point/ identify the particular rule/ provision/ specification if they know. Under the law, a charge must be clear in itself with necessary details. It is for the department to pin-point the particular standard specification, which the undersigned has violated/ deviated from. Copy of T. S. Estimate has already been provided to Mr. Nasir Ghafoor, Project Director, Bazai Irrigation Project, Mardan during hearing of the case.

ii) The charges / allegations against Mr. Yousaf Jan, (BPS-11), Sub Divisional Officer (OPS), and his replies thereof are discussed in annotated form as under:-

S.No	Charge	Reply of the accused
1	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Clause (i), if read in isolation of remaining clauses, does not convey any accusation against me nor does it state any independent charge against any one. This clause alone does not state/ disclose any particular accusation as to whether: (a) Fake payments were made without laying the pipes? (b) The pipes were washed away by flood? (c) The pipes were stolen after they were laid? And hence a highly defective charge being vague and dumb.

(27)

5. EVIDENCE

All the accused personals were asked to produce evidence /witness in person or additional documentary material, if any, in their defense. They all replied that they had none/ nothing except their already submitted replies and explanations made by them on the day of personal hearings.

6. OBSERVATIONS

An umbrella scheme namely "Construction of 10 Nos. Tube Wells for Nowshera ADP No.301/31339 (2006-07)," costing Rs. 10.757 was approved on12-07-2005.The scheme under the inquiry was reflected at S.No. 4 "WSS Sadu Khel" having a modified cost of Rs. 1022000 Million. The PC-I has been revised three times and the cost of the 3rd revised P.C-I has been approved for Rs. 45.385 Million in 2009. The revision has an approved provision of Rs. 11.095 million for the said scheme.

The selection of the site seemed to be based on political expediency and has no technical merit. To benefit a few dozen families a scheme of water supply was conceived without giving consideration to the inherent topographical difficulties like taking, laying a pipeline in a virtually vertical direction. During the course it has transpired that non of the higher office above the executing agency has bothered to monitor the scheme.

During the site visit it was observed that the source of both the schemes for providing drinking water supplies to the villages has been constructed in the vicinity/bed of a khwar. The pumping machinery installed was found to be manufactured by M/S Grundfos . The room in which the pumping equipment was initially installed was no more having a functional tube well infrastructure. As informed by the staff as per approved PC-I both the villages i.e. Asha Khel village and Sadu Khel village was to have a single source supply but the initial bore got dried up and a new one has been bored outside the pumping room in open which is currently providing water to Asha Khel village only. Due to non availability of operational infrastructure the same is not suppiying water to Sadu Khel village from this common envisaged source. There were traces of partial lengths of rising main buried underground near the bore which was checked by the visiting team. The alignment of the rising main was observed to be laid parallel to the bed of the local khwar and flow. Few pipe lengths were observed to be laid on the ground surface rather then being buried

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underground. It was informed that the same might have been exposed due to subsequent erosion and few lengths have gotten buried due to subsequent floods in the khwar. A house built in the khwar was made to visit by the field staff and it was surprising to observe that the roof was constructed by length of G.I pipes having the same brand and diameter and it was categorically told that these pipe lengths are the ones which were used during the lying of the rising main. The staff informed that no actions for recovery of the Government property have been initiated. During the inspection it was also brought to the notice that some of the locals were in poeession of the various diameters of the supplied/ installed pipes of the scheme. The reservoir site was inspected and the rising main was found unconnected to the reservoir. Few lengths of the old laid rising main pipe were lying unutilized on the slopes of the mountains. The clamping of most of the pipe lengths along the slope of the mountains was not properly provided. The reservoir was intact but the intake and off take was not connected. A local took the team to his hujra and showed the G.I pipes stacked their which were currently lying their unutilized. It was informed by the Executive Engineer that a new scheme has been approved having a new source and work was in progress.

7. PHOTOGRAPHS of the site visit carried out on March 4th 2014 (Annexure-N).

8. FINDINGS

   1. After going through the available record, evidences, personal hearings and site visit it has been concluded that the drinking water supply scheme Sadu Khel, District Nowshera has not been completed in all respect and payment has been made to the contractor in June 2010 which is contrary to the laid down codal formalities.
   2. The pipes supplied by the contractor for the scheme has not been laid fully. Few lengths of the pipes of various diameters are available in the custody of the local community which indicates that they have not been buried / laid during June 2010 resultantly the scheme has been left in complete but payment for the incomplete work was made.
   3. During the site visit it was observed that the pipes has been supplied and installed for the rising main portion but currently the exact length of the supplied/installed pipe cannot be determined as few were found buried, laid on the ground surface, laid on the slopes of the mountains and some of it has either been extracted/stacked by the locals indicates

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that execution of work would have taken place on this component of the scheme during or before June 2010.

4. The traces of the rising main pipes indicate that the pipe was laid in the khwar and parallel to the flow of water. No approved layout plan could be provided. In the vicinity of the scheme another scheme was also observed in which the pipes has also been laid in the khwar as most of the houses and urbanization has taken place in the bed or adjacent to the khwars.
5. According to the PHED specifications pipes have to be laid at various depths depending upon the available strata or clamped on to the mountain slopes. It has been observed that specifications have not been followed. The available pipes at site bear a brand name of M/S Bashir Pipe Industry (Pvt) Ltd BSS 1387 marking. The accompanied incumbent Executive Engineer stated that this brand is an approved pipe manufacturer/supplier of the PHED.
6. Proper effort for safe guarding the Governmental interest has not been adopted by the accused officers/officials and lack of responsibility has been conducted by all the concerned accused officers/officials.
7. The energizing of the scheme has been delayed by the WAPDA authorities resulting in deprivation of water commodity to the public.
8. The defect liability period cannot be ascertained as in the absence of the contract agreement the same cannot be determined but as mostly being three months from the date of final payment to the contractor the same has gotten expired without benefitting the same in the interest of the Government.
9. The provided documents reveals that the contractor has given a written undertaking to the department that certain pipe lengths are in his procession and is ready to install the same when directed needs to be materialized.
10. As per approved P.C 1 the scheme was supposed to be handed over to the community for its operation and maintenance but no efforts were made by the accused to do so in light of the provided record which qualifies for their negligence and apathy in the execution towards their governmental duties.
11. The accused officers/officials along with the present field staff should make utmost efforts to recover the stacked/collected pipes from the locals and the same may be

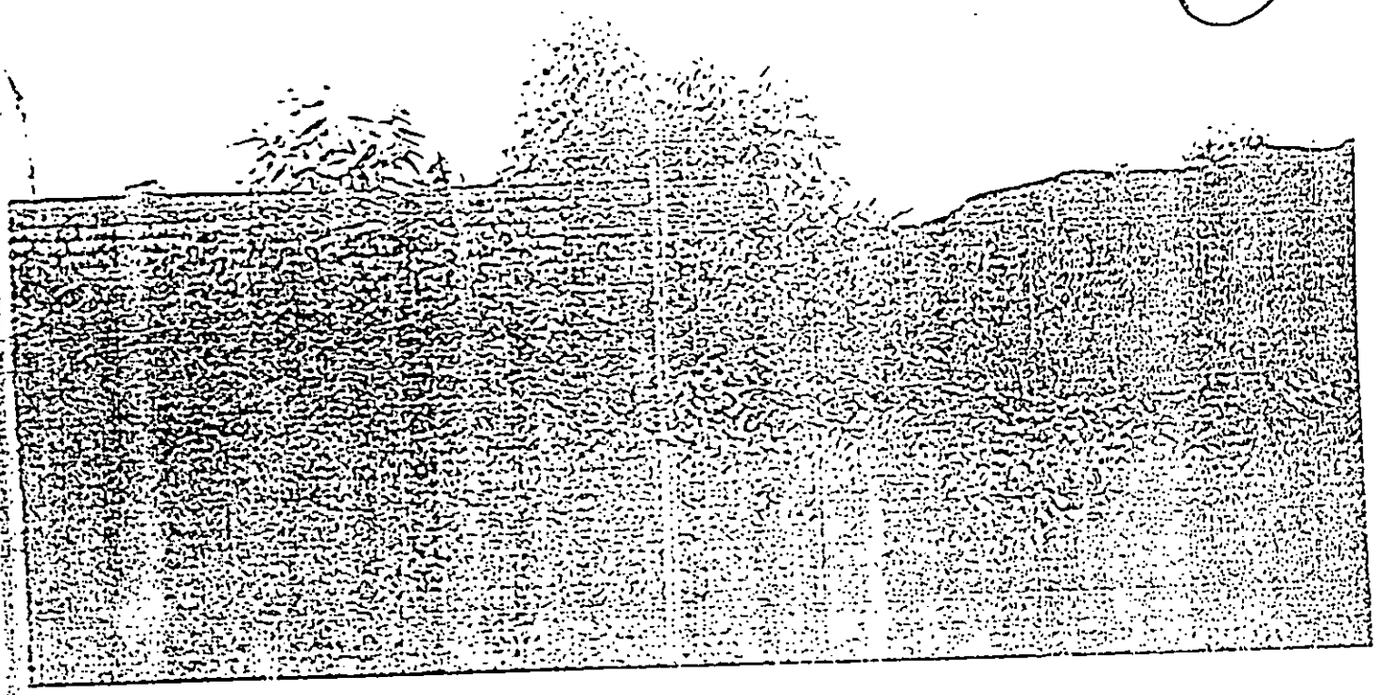
utilized in the newly approved scheme. In case of the stolen pipes the same should be recovered by adopting the legal course of action.

9. RECOMMENDATIONS

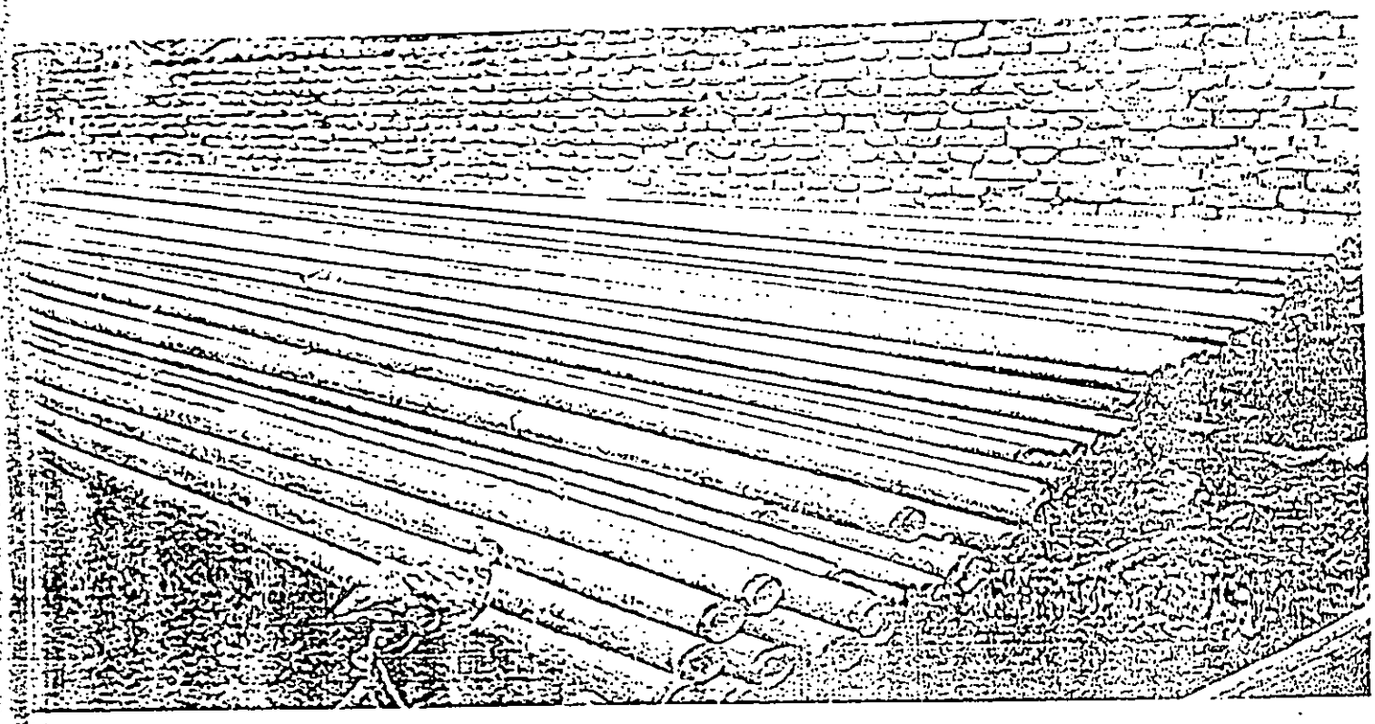
1. It has been established that the PHED standard specifications has not been fully followed during the burying of pipes and in case of laying on ground/rocky surface no proper clamping arrangement were observed. Due to non installation of the distribution system of the scheme the issue of burying the pipes does not even arise therefore the payment made is advance payment without execution of work at site.
2. The contractor should be directed to complete the remaining work failing which the work shall be executed at his risk and cost and the contractor shall be blacklisted as well.
3. Minor penalty of recovery as per Para 4 sub clause (a) iii of E&D rules, 2011 for the cost of the pipes that has not been supplied, laid or stolen needs to be recovered from all the accused as per their entitlement, tenure, payments made and responsibilities, the quantity which are available should be deducted from the loss made to the Government and should be utilized in the on going scheme.
4. A departmental committee of senior level Engineers may be constituted for determining the exact loss to the government which shall be recovered from the accused officers/officials according to their role of responsibility as per government rules and codes.

Nasir Ghafoor Khan
Superintending Engineer,
Irrigation Department.
Inquiry Officer).

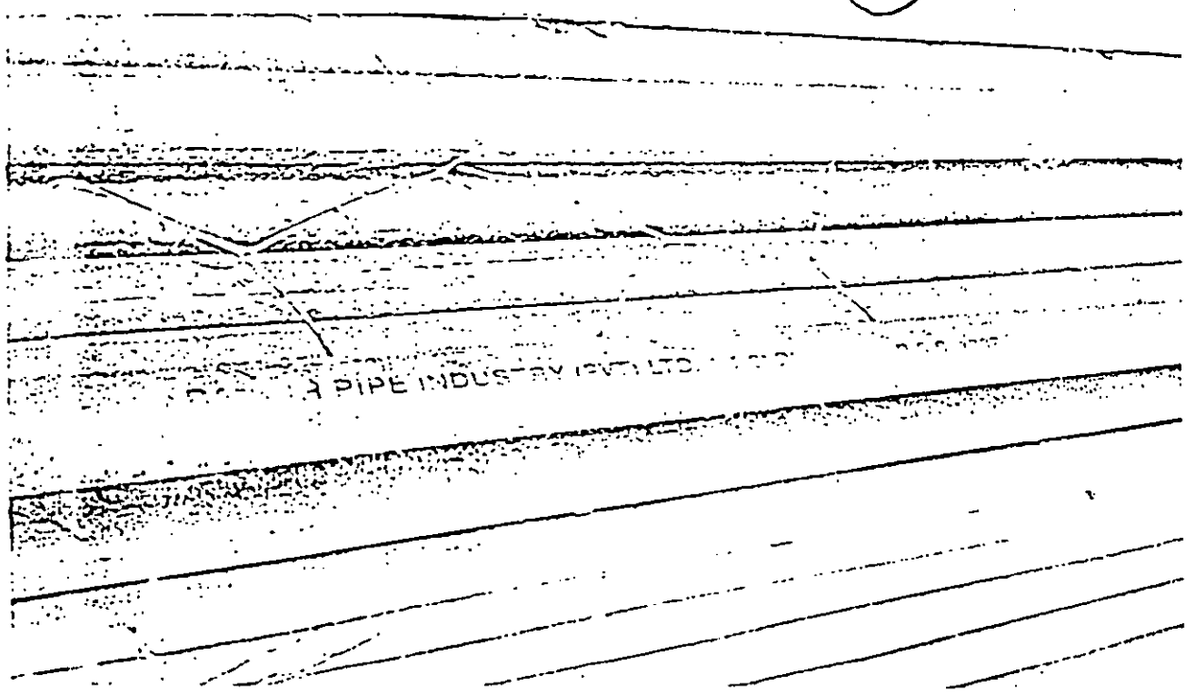
Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa.
(Inquiry Officer).



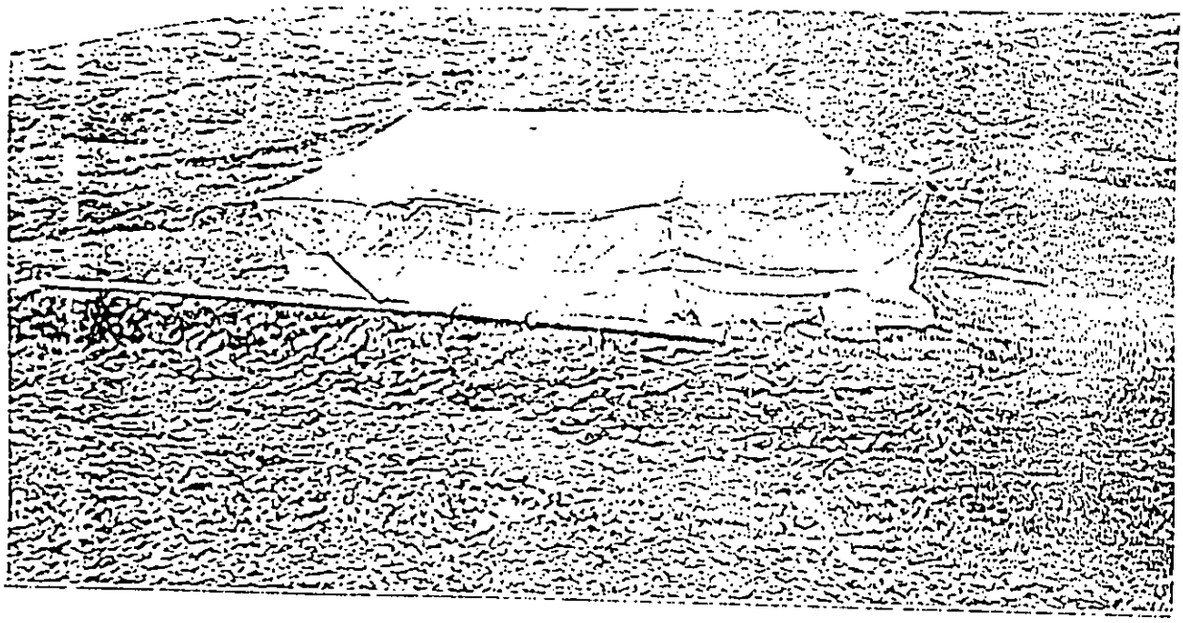
RISING MAIN PIPES USED IN CONSTRUCTION OF ROOF BY A LOCAL



PIPES STAKED OF VARIOUS DIAMETER IN HUJRA OF LOCALS

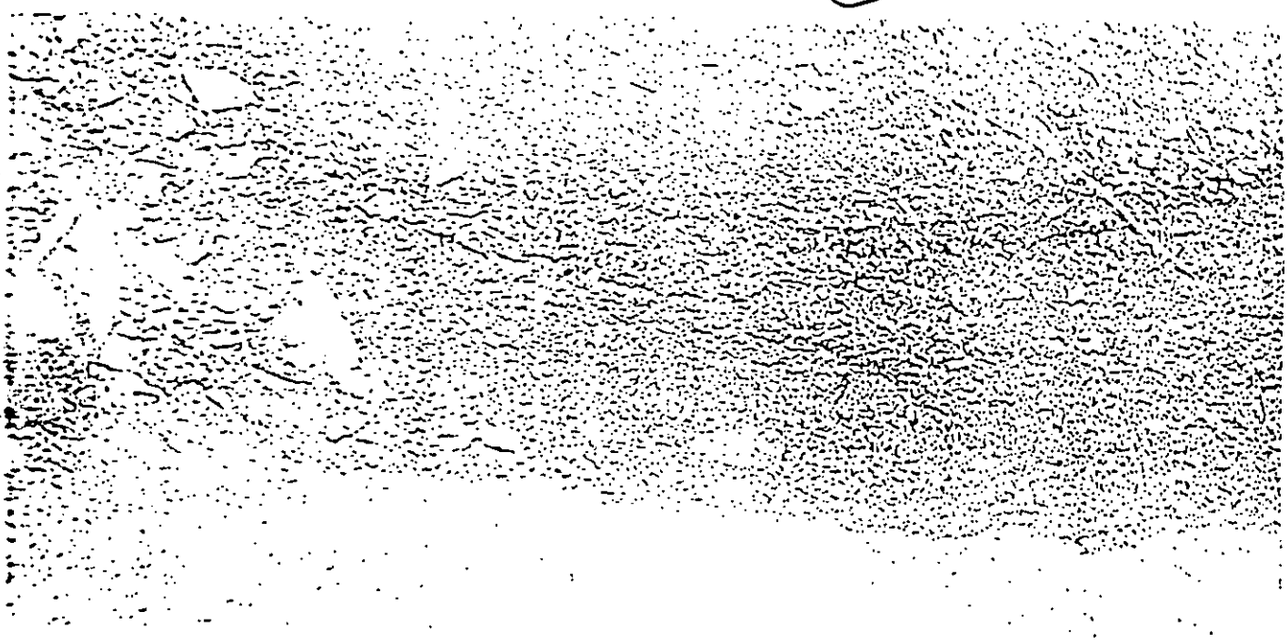


PIPES STAKED OF VARIOUS DIAMETER IN HEERA OF LOCALS WITH BRAND NAME

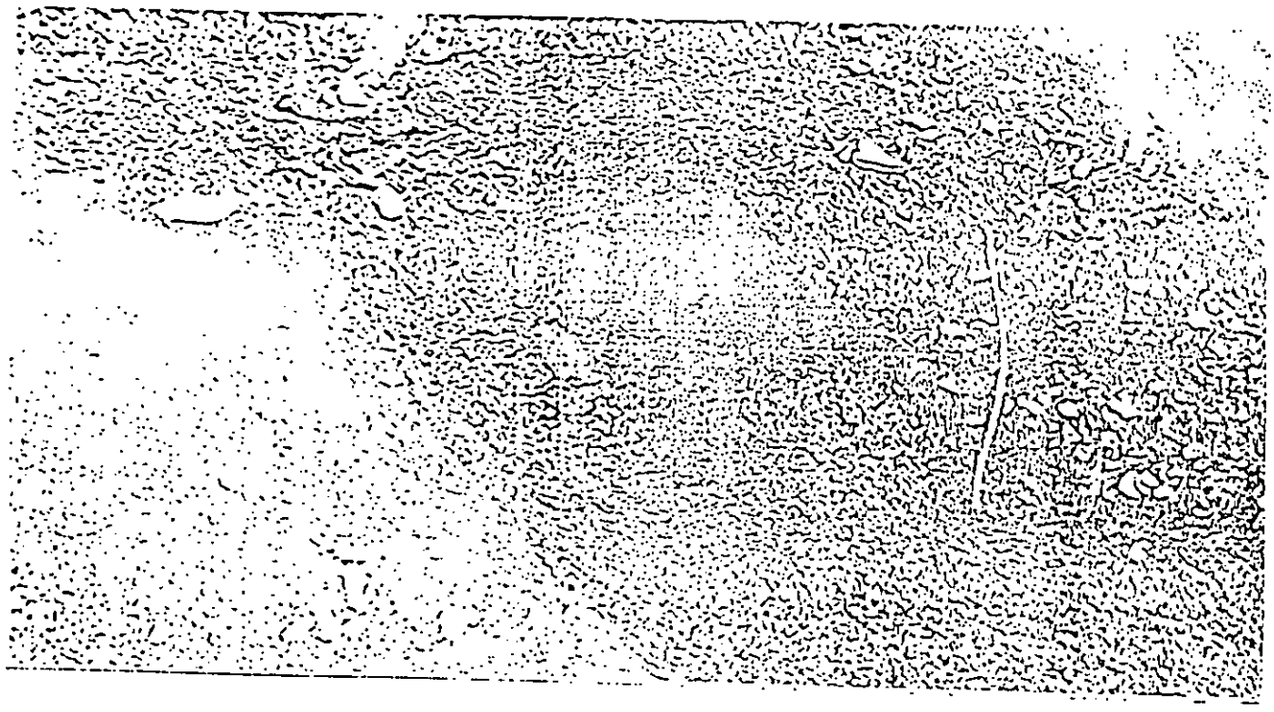


RISING MAIN PIPE USED FOR ERECTION/CLIENT BY LOCALS

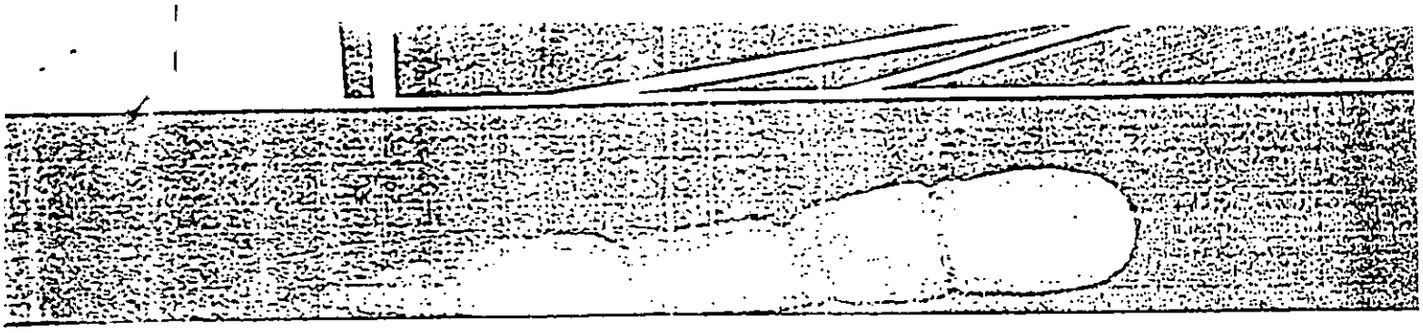
(33)



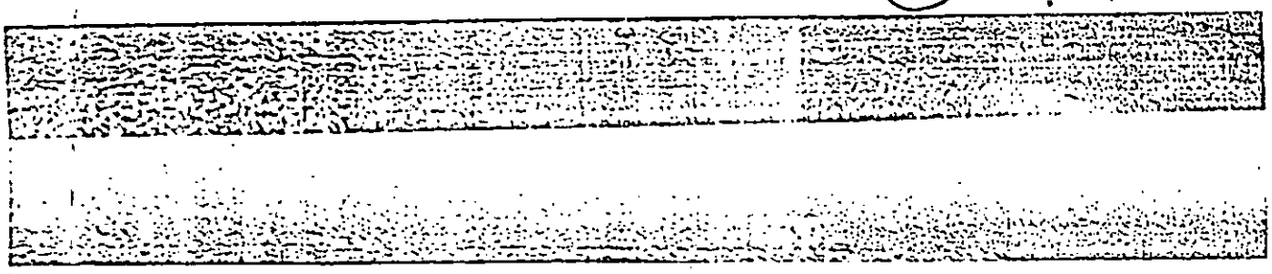
TRACES OF BURRIED RISING MAIN

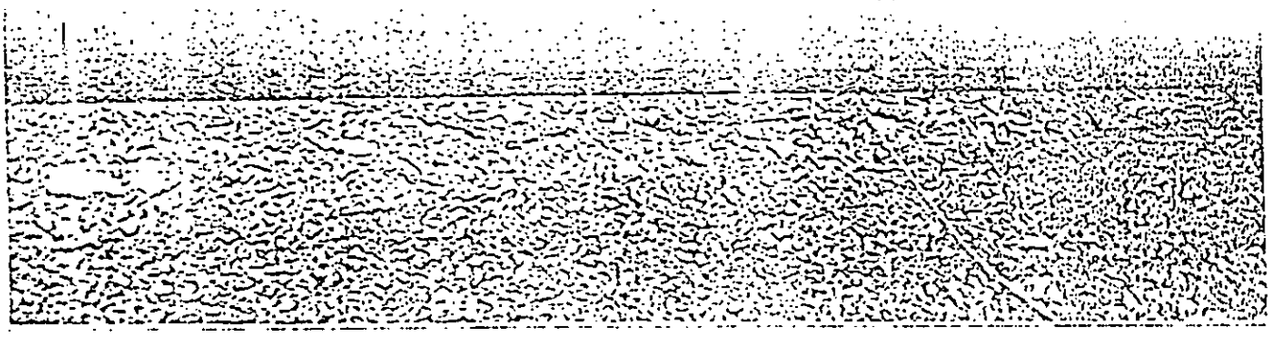


TRACES OF BURRIED RISING MAIN

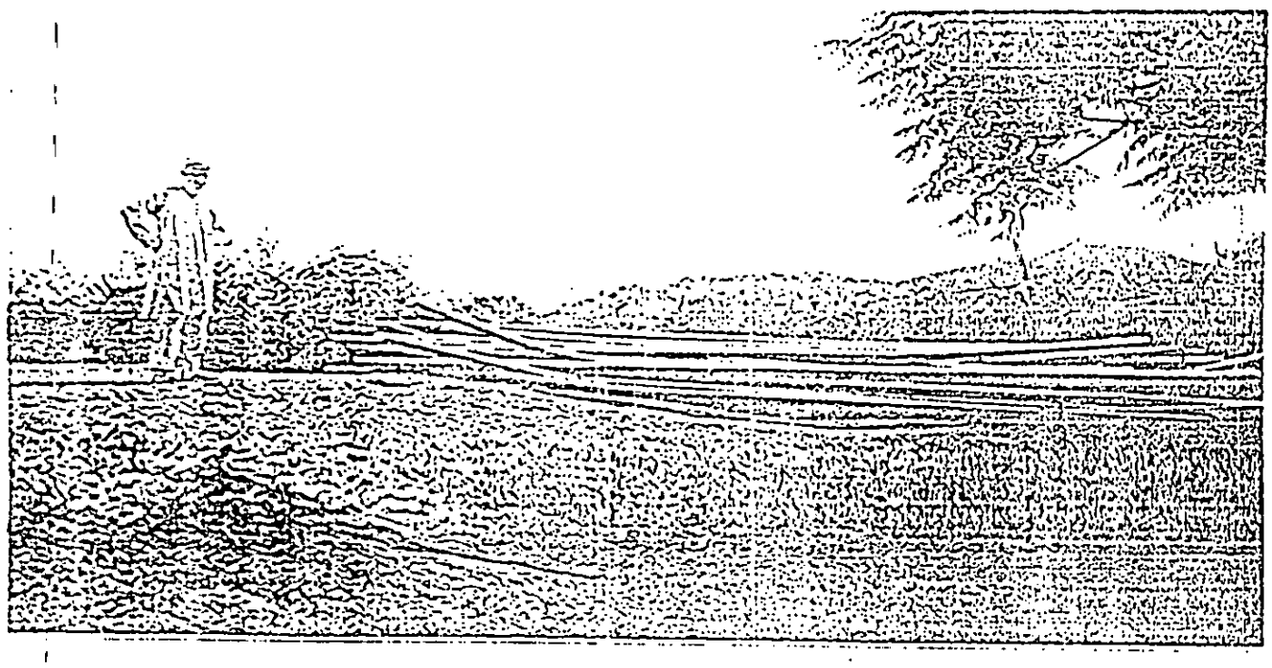


(34)

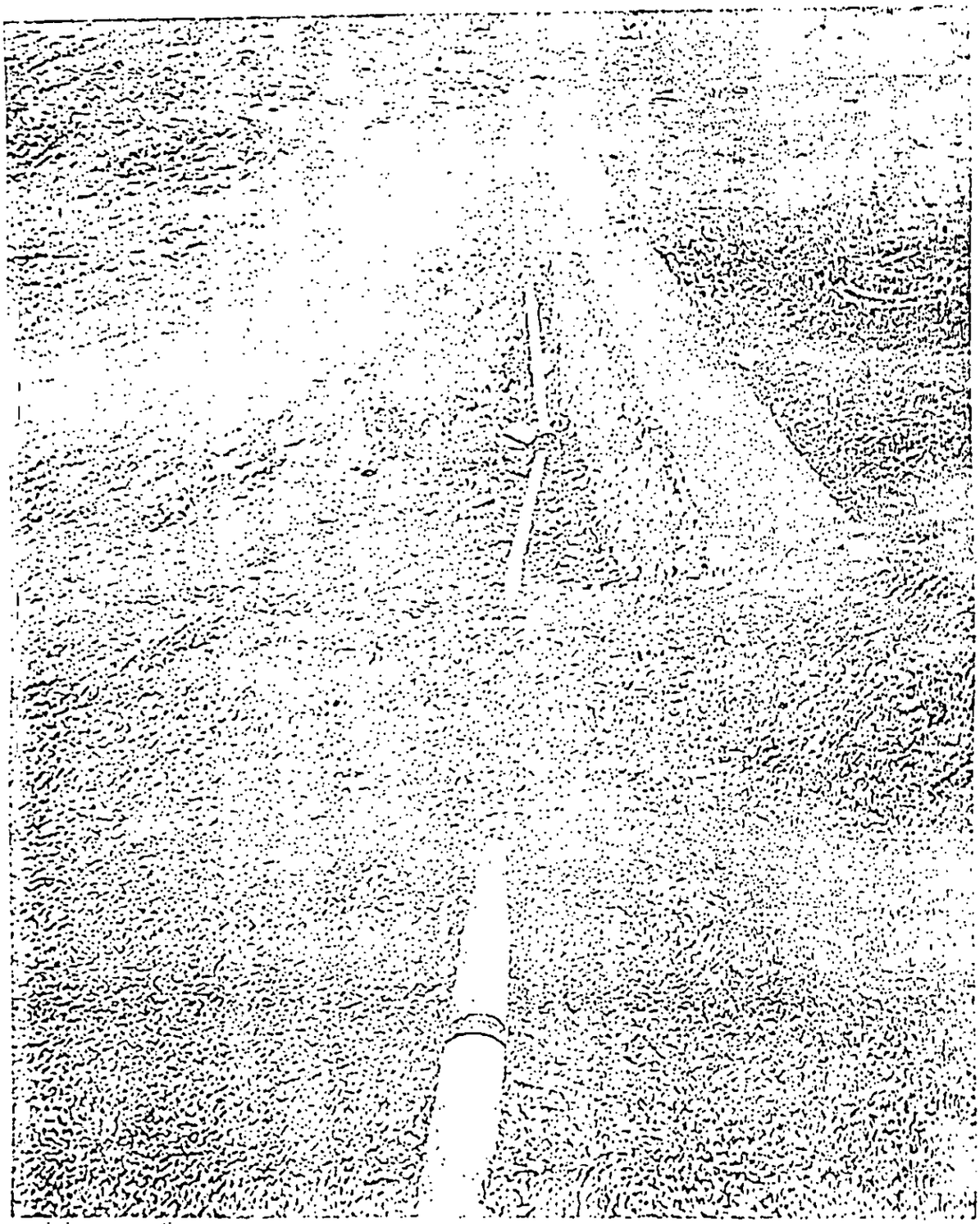




BRAND NAME MARKED ON THE SUPPLIED PIPES

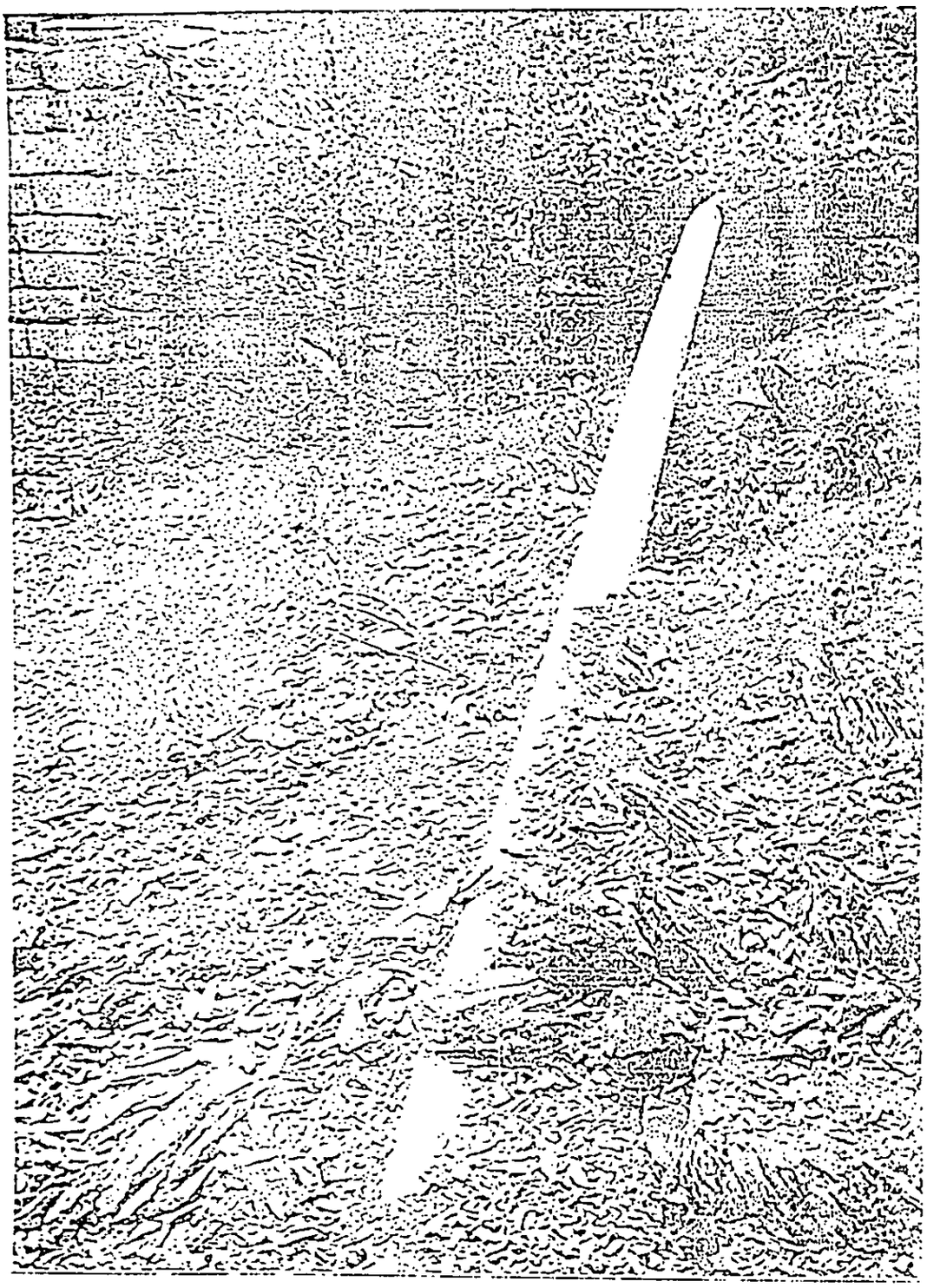


EXTRACTED PIPES IN THE SCHEDULED LOCALS



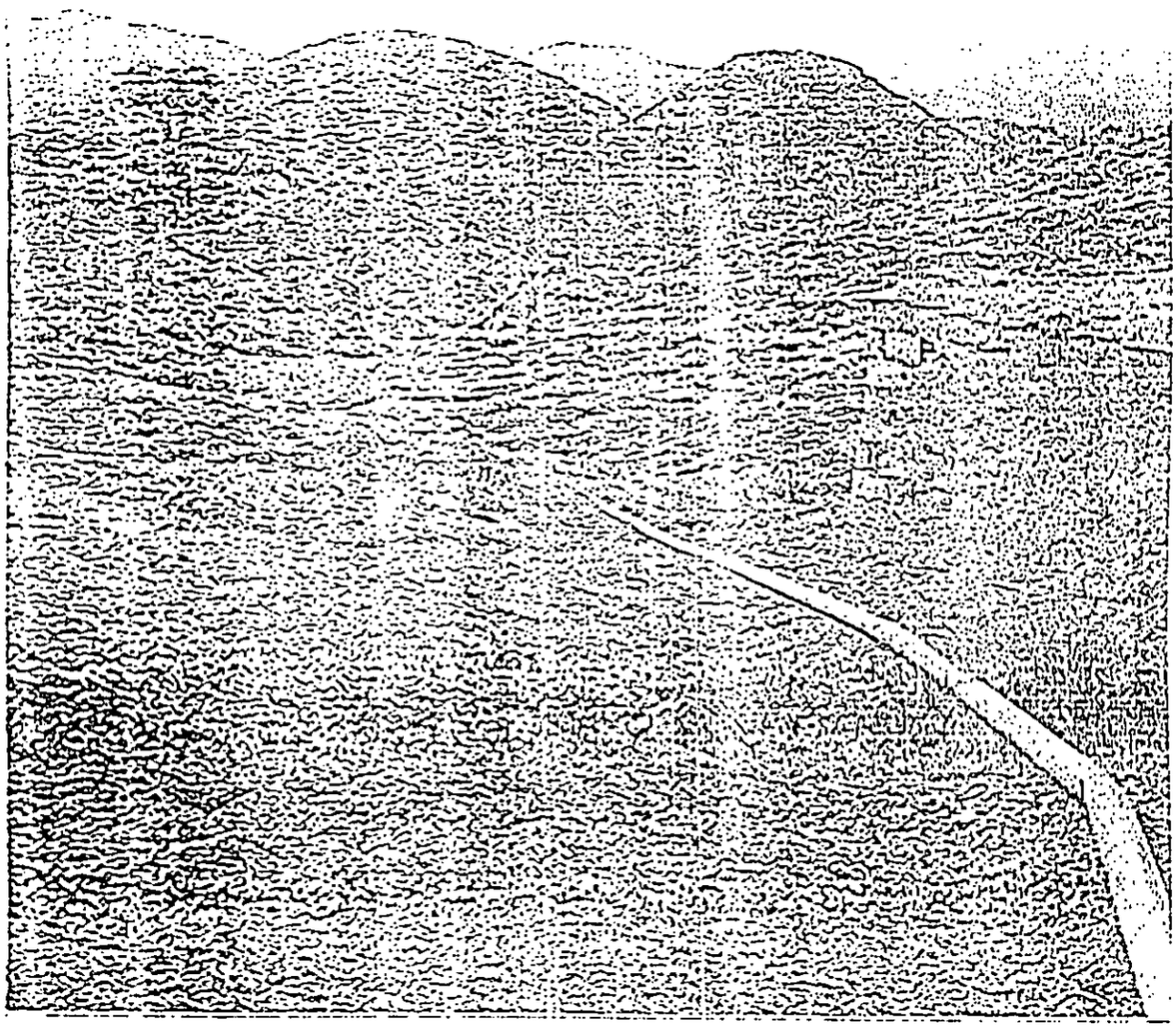
RISING MAGNIFICATION AT REAR OF THE MOUNTAIN SLOPE

(36)



RISING MAIN PIPE LAID ON SURFACE OF THE MOUNTAIN SLOPE

(37)

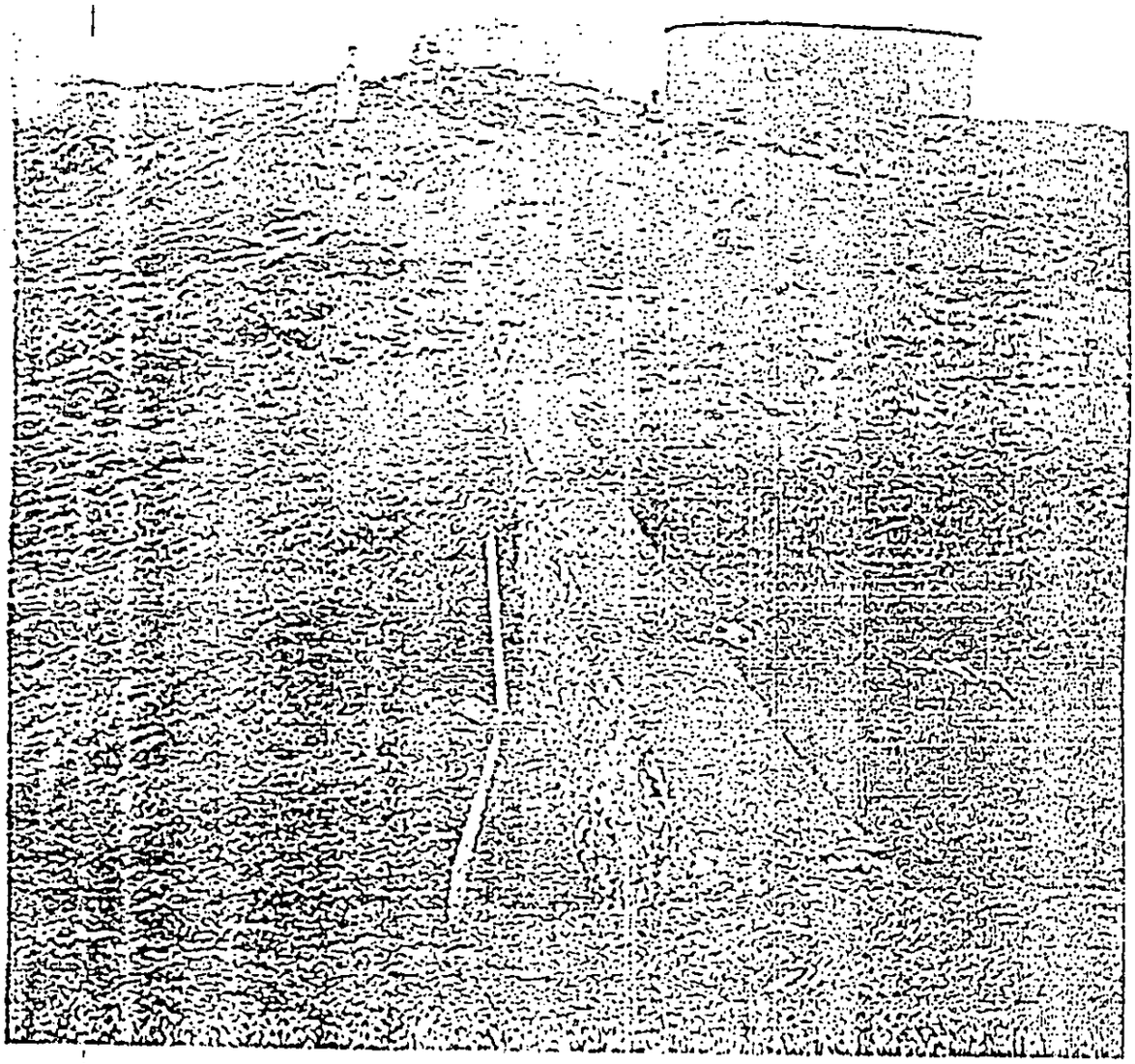


RISING MAIN PIPE LAID ON SURFACE OF THE MOUNTAIN SLOPE

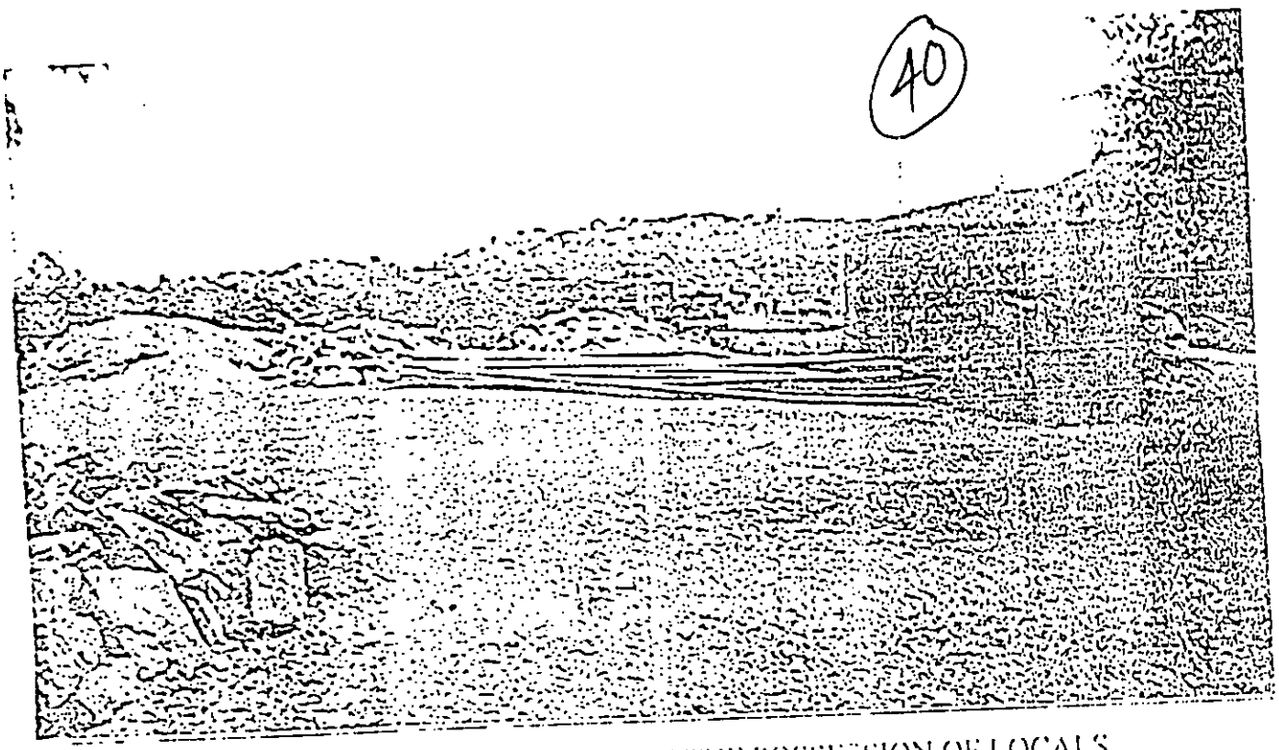
RISING LAVA FLOWS AT THE BASE OF THE NORTHERN SLOPE

38

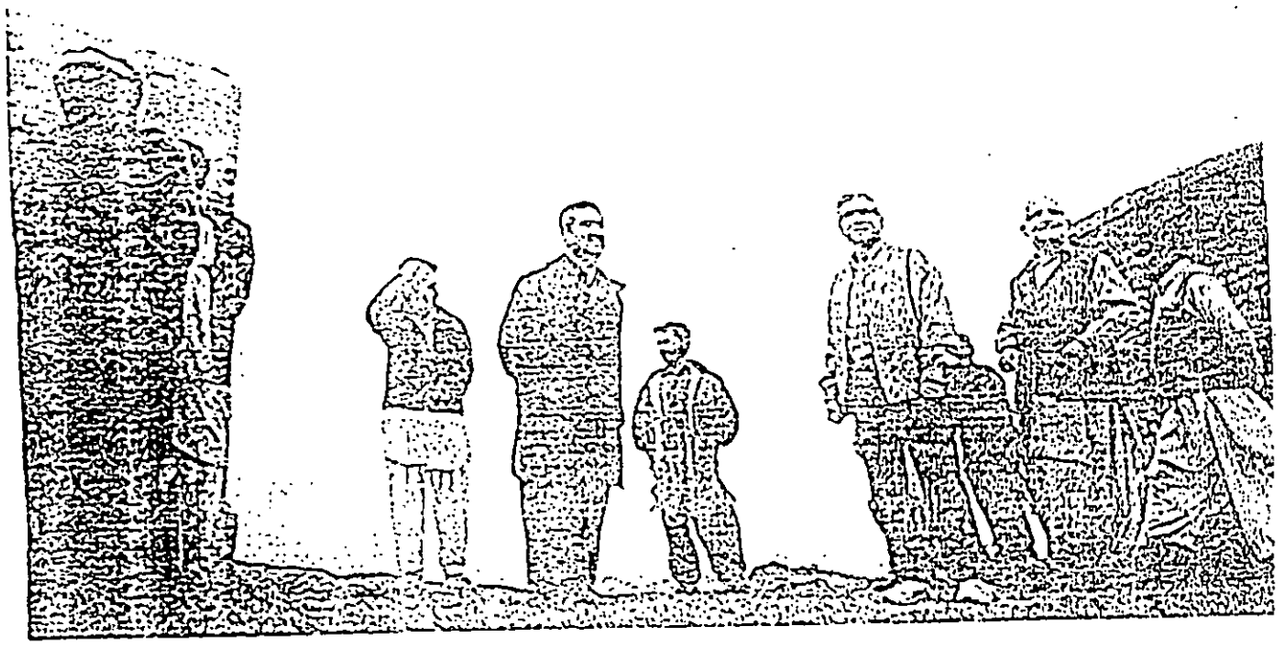
39



RISING MAIN PIPE LAID ON SURFACE OF THE SLOPE OF MOUNTAIN TO BE CONNECTED WITH THE RESERVOIR



EXTRACTED PIPES IN THE POSSESSION OF LOCALS



INSPECTION BY INQUIRY COMMITTEE

VISITING INSPECTION TEAM NEAR THE RESERVOIR

OFFICE OF THE GENERAL MANAGER (OPERATIONS),
WATER & SANITATION SERVICES PESHAWAR,
LOCAL GOVERNMENT COMPLEX, KHYBER PAKHTUNKHWA
Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad,
E mail: - wsspeshawar@gmail.com , Phone No# 091-9217863

WSSP

No. 1126 /GM (Ops) /1-E

Dated: - 09-09-2014

The Secretary,
Public Health Engg: Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **INQUIRY REGARDING IRREGULARITITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.**

Reference: - Your office letter No. SO (Estt) / PHED/ 8-26/2014 dated 16th June 2014.

Kindly refer to your letter under reference and it is submitted that the inquiry report has been reviewed as per the directions of the competent authority and the following conclusions are derived in light of the findings / recommendations made by the inquiry committee in our earlier report :-

i) The status of the charges reflected in the charge sheet and statement of allegation against Engineer Nasir Latif, (BPS-18), Executive Engineer are as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	Engineer Nasir Latif, (BPS-18), Executive Engineer.	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996 - to the Public	Proven

I am;

(OPS), PHE Division Nowshera, now working as Sub Engineer, PHE FATA Sub Division Kohat.

(16)

iii) The status of the charges reflected in the charge sheet and statement of allegation against Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera is as under:-

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation Scheme was found missing.	Proven
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs.4751996/- to the Public exchequer.	Proven
4.	"	The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 7, 91, 999/- (Seven lacs ninety one thousand nine hundred and ninety nine only) against Mr. Imtiaz (BPS-11) Sub Engineer, PHE Division Nowshera.

iv) The status of the charges reflected in the charge sheet and statement of allegation against Mr. Umar Hayat (BPS-11) the then Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.

Charge No.	Name of Officer/official	Charge/Allegation against the accused officer/official	Recommendation of the inquiry committee
1.	Mr. Umar Hayat (BPS-11) the than Sub	In the Village Sadu Khel, the Rising Main and distribution system of the Water Supply and Sanitation	Proven

09-9-14

(17)

	Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.	Scheme was found missing.	
2.		The Pipe Line (Rising Main) was laid in Nullah longitudinally on the surface without burying the pipeline in depth.	Partially Proven
3.		Pipes of various sizes measuring 7061 Meter are missing, causing a loss of Rs 4751996 - to the Public exchequer	Proven
4.		The work was not carried out as per standard specification of PHED.	Partially Proven

The loss assessed caused to the Provincial exchequer, apportionment of loss and the recoverable amount works out to Rs. 7, 91, 999/- (Seven lacs ninety one thousand nine hundred and ninety nine only) against **Mr. Umar Hayat (BPS-11) the then Sub Engineer, PHE Division Nowshera, now working as Sub Engineer, PHE Division Mardan.**

The inquiry has been finalized on the provided available record by the inquiry committee as desired and submitted for further necessary action please.

-9/9/14

Engr. Nasir Ghafoor Khan
Superintending Engineer,
Irrigation Department.
(Inquiry Officer).

Mr. Manzoor Ahmed
Director Transport,
Khyber Pakhtunkhwa
(Inquiry Officer).

sed upon him;

Annex – II

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/8-26/2014
Dated Peshawar, the March 24, 2016

MOST IMMEDIATE - THROUGH T.C.S

To

Mr. Imtiaz Muhammad,
ex-Sub Engineer PHE,
R/o Village Badraga, P/o Dagi,
Tehsil Razar, District Swabi

Subject: **DEPARTMENTAL APPEAL/REVIEW PETITION AGAINST THE ORDER OF "REMOVAL FROM SERVICE BESIDES RECOVERY OF Rs.791,999/-" VIDE PHED NOTIFICATION No.SO(Estt)PHED/8-26/2013 DATED 11-11-2015.**

I am directed to refer to your departmental appeal/review petition dated 19-11-2015 on the subject noted above.

2. WHEREAS, you were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the irregularities committed in the Drinking Water Supply Scheme Asha Khel Sadu Khel District Nowshera.

3. AND WHEREAS, for the said act of misconduct you were served with charge sheet/statement of allegations to which you submitted your reply.

4. AND WHEREAS, an Inquiry Committee comprising Mr. Manzoor Ahmad, Director Transport, Khyber Pakhtunkhwa and Engr. Nasir Ghafoor, Superintending Engineer, Irrigation Department was appointed, who submitted the inquiry report.

5. AND WHEREAS, you were served with Show Cause Notice containing tentative major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.791,999/-**", to which you submitted your reply.

6. AND WHEREAS, the Competent Authority after having considered the charges, material on record, inquiry report of the Inquiry Committee, your explanation during personal hearing held on 09-09-2015 and in exercising his powers conferred under Rule-14 (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, was pleased to impose the major penalty of "**Removal from Service, besides recovery of pecuniary loss of Rs.791,999/-**", upon you.

7. AND WHEREAS, you submitted a Departmental appeal/review petition dated 19-11-2015 against the imposition of foresaid major penalty, which was submitted to the competent authority. The competent authority (Chief Minister Khyber Pakhtunkhwa) in terms of Section 17 (2) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to uphold the order of penalties imposed and rejected your appeal/review petition.

25/3/2016

24/3/2016

SECTION OFFICER (ESTT)

Annex- III

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT
NO. SO (T)/PHED/3-25/2011-12
Dated Peshawar the 13th September, 2013

To

D.T No. 674
16/9/13

ANNEX K

1. The Additional Secretary (Dev)
   Finance Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Chief of Section (Infrastructure)
   Planning & Development Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
3. The Chief Engineer (North)
   Public Health Engineering Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar
4. The Chief Engineer (South)
   Public Health Engineering Department,
   Govt. of Khyber Pakhtunkhwa, Peshawar

Subject: **MINUTES OF THE DDWP MEETING HELD ON 06.09.2013 AT 1200 HRS IN THE COMMITTEE ROOM OF PUBLIC HEALTH ENGINEERING DEPARTMENT**

I am directed refer to the subject noted above and to enclose herewith a copy of minutes of the DDWP meeting held under the chairmanship of Secretary, Public Health Engineering Department on 06.09.2013 at 1200 Hours for information and further necessary action, please.

Encls: A.A

SECTION OFFICER (TECH)

Copy forwarded to:-

1. The Director Planning and Monitoring, PHE Department, Khyber Pakhtunkhwa
2. The P.S to Secretary PHE Department, Khyber Pakhtunkhwa
3. The P.A to Deputy Secretary (Tech) PHE Department, Khyber Pakhtunkhwa

M. [illegible]
SECTION OFFICER (TECH)

DS (Tech)

13/09

Attested to be
True Copy

(53)

MINUTES OF THE DDWP MEETING HELD ON 06.09.2013 AT 1200 HRS IN THE COMMITTEE ROOM PUBLIC HEALTH ENGG: DEPARTMENT

A DDWP meeting was held in Committee Room of Public Health Engineering Department on 06.09.2013 at 1200 Hours under chairmanship of Secretary PHED. List of participants is enclosed vide Annex-"A".

The following agenda items were discussed and decided during the meeting:

Agenda Item No.01:- Water Supply Scheme Doran District Nowshera under Umbrella Project Titled "Construction of Water Supply Schemes in Khyber Pakhtunkhwa" ADP No.212 /120611 2013-14 (ADP#193/120611 2012-13)

The Deputy Secretary (Tech) appraised the forum that the Umbrella P[illegible]ct/PC-I was approved by the PDWP in its meeting held on 08.11.2012 at a cost of Rs.1765.093 million and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 dated 19.11.2012. Subsequently, the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012, and Administrative Approval was issued on 01.01.2013 for a cost of Rs. 16.000 million.

During detailed discussion, it was noted that the revised scheme is 58% above the AA cost (25.386 million) but as it is under the umbrella project the total revised cost is within the limits of 10% therefore, the umbrella program approved by PDWP remains unchanged. It was informed to the forum that a note was forwarded to P&D Department for guidance about the change in scope of work. The P&D department agreed to put the case to DDWP forum for discussion/approval.

The Executive Engineer PHE division Nowshera stated that the scope of work has been changed in the light of CM's directives issued on June 4,2013.The revised scheme is divided in two zones; in zone-I, the rising main was proposed at a distance of 3500 feet which has been now increased to 13350 feet due to the reason as the site was declared unsuitable for tube well by resistivity survey. Moreover in zone-II, the tube well has been replaced by infiltration gallery/collecting well as there was no suitable site for tube well in the light of resistivity survey report.

The Chief Engineer (South) informed the forum that due to flood some pipe was washed away and some was stolen and some pipe is in the custody of the

contractor. He suggested that that pipe should be deducted in the revised PC-I estimate. The chair agreed with the chief engineer.

The representative of P&D department asked about the surface reser that there is only one reservoir for both zones. The SDO Nowshera In reply stated t reservoir for zone-I already exist, the proposed reservoir is for zone-II.

Decision:-

Revised PC-I/Cost Estimate for construction of Water Supply Scheme Doran District Nowsherawas approved after deducting pipe cost asproposed by Chief Engineer (South) and the PC-I cost reframed accordingly for Administrative approval.

Agenda Item No.02&03:-

i) **Water Supply Scheme KotWali Dad, GarahMehmood, SahdiKhel, Hathala, Garah Jana, GarahBakhtiar, Haroon Abad, NajeebSahh Bore, KotZafaraJadeedAbadi** *Replaced Over* WSS Ioonl, GarahMadda, KotKundlan, GarahBakhtiar,Takhwara&Adj: Villages PK-67

ii) **Water Supply Scheme Unarah, Mir AlamPK-67** *Replaced Over* WSS Daraban, Choudhwan, Gandi Umber Khan, GoodiAshiq, New Garah Khan, Saggu, Jhoke Mangle, KirriShamozai, Gurwalai, JhokeSerwer, Jhoke Dino **District D.I. Khan Under Umbrella Project Titled "Construction Of Water SUPPLY Schemes in Khyber Pakhtunkhwa"**

The Deputy Secretary (Tech) appraised the forum that the Umbrella project/PC-I was approved by the PDWP in its meeting held on 08.11.2012 at a cost of Rs.1765.093 million and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 dated 19.11.2012. Subsequently, the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012, and Administrative Approval for both schemes were issued on 19.12.2012 for a cost of Rs. 16.000 million.The directive was cancelled vide Finance Department letter No. SO(Dev-II)/11-5/2012-13/FD dated 12.03.2013. The replaced scheme has been identified by Mr. Israr-Ullah Khan Gandapore, MPA PK-67 and CM has directed for execution of the schemes.

Attested to be
True Copy

During detailed discussion, it was noted that the revised schemes are both of 16 million cost same as the old cost. It was informed to the forum that a note was forwarded to P&D Department for guidance about the change in name/scope of work. The P&D department agreed to put the case to DDWP forum for discussion/approval.

During discussion it was pointed out by representative of finance department that as the replaced schemes are new under an on-going program therefore, it cannot be tender unless new consultant based system for implementation is in place. It was informed that scheme is under Umbrella Project which is ongoing however as per instruction of P&D Department Scheme will be executed under new policy by involving the Consultant.

Decision:

The Schemes were approved in principle for execution however, it was decided by the forum that consultant will be involved in the feasibility, design, preparation of PC-I and supervision of schemes.

The meeting ended with a note of thanks from the chair.

Attested to be
True Copy

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LIST OF PARTICINPANTS OF DDWP MEETING HELD ON 06.09.2013 IN THE COMMITTEE ROOM OF PUBLIC HEALTH ENGINEERING DEPARTMENT KHYBER PAKHTUNKHWA

S. No	Name	Designation	Signature
1.	Mohammad Yousaf	XEN D.I.Khan	
2.	Muhammad Faisal Naeem	SDO, PHED	
3.	Shahzada Behram.	XEN PHED	
4.	Sikandar Khan	CE (Coord) PHED	
5.	Mohammad Tariq	DS(T-I) infra	
6.	Raza Ali Habib	DS(Dev) Finance	
7.	Muhammad Ikram	M. Ikram	SO(CT), PHE
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

True Copy

Annex-IV

OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA

Ph#091-9212984, FAX#091-9210228 E-mail: mehmood.Phed@yahoo.com

(11)

Diary No. 150
Dated 04/12/13

No. 01/E-18/South / PHE

Dated Peshawar the, 28/11/2013.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Public Health Engg:Department,
Peshawar.

D.S (Tech) PHED
Diary No.
Date

Secretary P.H.E Deptt:
Diary No. 5694
Dated 28-11-13

Subject: COMPLAINT / ENQUIRY
Reference: Your office letter No. PS/Secy/1-1/2013 dated 4/7/2013.

Water Supply Scheme Sadu Khel / Asha Khel was administratively approved for Rs. 11.147 million appeared in ADP 2007-08 at Sl: No. 295/31339 under Umbrella Scheme namely Construction of 10 No tube wells in District Nowshera (Annex-I). The scheme was based on single tube well. Asha Khel and Sadu KHel are two separate villages proposed to be served through common tube well. Provision for independent Rising main and distribution system was made for both the villages in the PC-1/estimates.

Water supply scheme for Asha Khel and Sadu Khel was shown as completed by 30-6-2010 as per record and utilized the entire approved cost. The incumbent XEN has reported that water supply scheme for Asha Khel village is in operation and the paid work exists at the site. However water supply scheme Sadu Khel has not been operationalized as yet due to non existence of Rising/Pumping main and distribution system in the village. Payment for supply and installation of Rising main and distribution system has since been made to the contractor(Annex-II). During inspection of the work Rising main and distribution system in the village Sadu Khel were found missing.

S.E(HQ) Sout

The incumbent XEN reported that some portion of Rising has been washed away by flood in July 2010 and the remaining portion was stolen due to non appointment of operational staff. He further reported that pipes installed in the village have been extracted by the contractor and are in the contractor custody stored in the village (Annex-III) In this way he tried to justify the non functioning of the scheme. The undersigned disagree with his reply. The then Executive Engineer had not reported flood damages caused due to 29th July 2010. Flood to PDMA, PHED and not made provision for restoration of pipeline in the PC-1/estimate. No F.I.R has been lodged in the area Police Station regarding stolen pipes.

DS(T)

As a result of inspection it was observed that Sadu Khel portion completed on 30-6-2010 could not be operationalized and abandoned. The pipeline (Rising main) was laid in nullah longitudinally on the surface and not buried at proper depth. The work was not carried out according to standard specification of PHED and washed away by flood. In this way the supervisory staff have put the government to a loss of Rs.4751996/- Some portion of pipeline

i.e 2500 Rft still exists at the site of the work which has not been installed according to standard specification of PHED. Some portion of the Rising main installed in the hilly area on the surface is missing. During inspection of pipe distribution system, the entire pipeline work has been found missing. The following paid work do not exist at the site of work:-

Site of Work	Size	Length	Cost
Distribution system	4" G.I. Pipe	350 Meter	Rs. 391736/-
	3" G.I. Pipe	945 Meter	Rs. 723522/-
	2" G.I. Pipe	921 Meter	Rs. 441512/-
	1.5" G.I. Pipe	2529 Meter	Rs. 981046/-
Rising Main	4" G.I. Pipe	2316 Meter	Rs.2214180/-
		Total	Rs.4751996/-

It is, therefore, requested to initiate disciplinary action against the following supervisory staff responsible for the losses as mentioned above.

1. Mr. Nasir Latif Executive Engineer
2. Mr. Yousaf Jan SDO
3. Mr. Imtiaz Sub Engineer
4. Mr. Umar Hayat Sub Engineer

CHIEF ENGINEER(SOUTH)

DA/As above

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230 /2016

Imtiaz Muhammad ..... Appellant

Versus

The Govt. of KPK and others.....Respondents

Application for suspending the operation of the impugned Notification dated 11.11.2015 and the recovery on the basis thereof till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.

2. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/ appellant.

3. That the balance of convenience also lies in favour of applicant/appellant and in case the impugned Notification is not suspended and the recovery not withheld, the applicant/appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned Notification dated 11.11.2015 and recovery on its basis may graciously be suspended till the final disposal of the main appeal.

Applicant

Through

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 21 /03/2016

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230 /2016

Mr. Imtiaz Muhammad .....Appellant

Versus

The Govt. and others.....Respondents

INDEX

S.#	Description of Documents	Date	Annexure	Pages
1.	Rejoinder with Verification			1-6
2.	Preliminary Report by the Executive Engineer and SDO PHE Nowshera		Rj/1	7-10
3.	Revised AA	20.11.2013	Rj/2	11
4.	Application by the Enquiry Officer Nasir Ghafoor Khan	02.09.2014	Rj/3	12-13

Appellant

Through

Khaled Rahman
Advocate,
Supreme Court of Pakistan
3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 15 /11/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 230 /2016

Mr. Imtiaz Muhammad .....Appellant

Versus

The Govt. and others.....Respondents

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY FILED BY RESPONDENTS NO.2-4.

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appellant has got cause of action and for that matter locus standi to file the instant appeal which is within time and has been filed with bonafide intention in its correct form and shape with full description of the relevant facts in concise manner. All the necessary parties are arrayed in the titled and estoppels does not run against the law.

Facts:

1&2. Being not replied hence admitted.

3. Incorrect hence vehemently denied. The PHED Standard Specifications have been fully observed and as per Para-5.1 of the Standard Specifications (*Page-29 of the Service Appeal*) issued by the Government in rocky lands, minimum ***cover (burying) is 1½' but the Engineer Incharge if feels that the excavation is not practical and other protection works are***

economical, he may permit the contractor to anchor the pipes to the rock formation using proper anchor bolts and clamps provided no additional payment will be made for such work. Thus as per the same the Pipes were clamped according to the specification at the specified length. The fact that remained un-noticed is that the locals of the area uprooted the rising main and the matter was reported to the Police and the high-ups quite in time. As far as the Distribution System is concerned, on the direction of the Chief Engineer, the subsequent Executive Engineer namely Mr. Shahzada Behram and SDO namely Faisal Naeem reported (***Annex*:-Rj/1**) that ***while for the Distribution System, it is to mention that the Distribution System of Asha Khel is intact and for Sado Khel the Pipeline System was collected and stored in Sado Khel Village by the Contractor in order to avoid any incidental theft.*** It is also further added that when the rising-main was re-approved, again in the DDWP meeting on 06.09.2013, the same Distribution Pipes were installed even by the same old contractor. The entire drama of sabotaging the scheme and re-installing the same with the help of the local was a political score-making inas much as the earlier scheme was approved in the previous political Government. It is incorrect that installation was not made and payment made in advance. The installation was made undoubtedly and payment made on the completion of the work as explained hereinabove. Moreover, partial work was carried out by the appellant and the same is still intact.

4. Incorrect hence denied. The proper reply was submitted in response to the Show Cause Notice but the same was not taken into account while passing the impugned major penalty. The personal hearing was made through Secretary Irrigation but the same was a mere formality rather a personal meeting,

moreover, personal hearing cannot be conducted through another person.

5. Misconceived hence denied. The reviewing authority did not consider the grounds taken in the petition which is against the Section-24A of the General Clauses Act, 1897.

Grounds:

A. Incorrect. The appellant was not treated according to law.

B. Being not replied hence admitted.

C. Misconceived. The issue of rising main and Distribution System has already been explained hereinabove. The WSS Doran Zone-1 & Zone-2 Union Council Ziarat Kaka Sahib was approved on 01.01.2013 and subsequently DDWP in its meeting held on 06.09.2013 also approved revise of the Sado Khel Scheme (UC Pahari Kati Khel) and revised AA was issued on 20.11.2013 (***Annex*:-Rj/2**). According to the report of the Chief Engineer in the meeting cited above, some of the pipe was stolen by the people, some washed away by the flood and the remaining is reserved. The cost was approved minus the cost of the available pipe. There was no allegation/complaint against anyone in the said meeting but surprisingly, thereafter the action was taken on the basis of political vendetta.

D. Incorrect hence denied.

E. The answering Respondents admitted the irregular nature of the inquiry proceedings as no response to that has been offered. Moreover, it is important to add that the enquiry was ordered on 03.01.2014 and long thereafter on 02.09.2014, the Inquiry Officer namely Engr. Nasir Ghafoor Khan reported to the

competent authority vide letter dated 02.09.2014 (***Annex*:-Rj/3**) that the detailed documents and information pertained to the enquiry have not been provided to him till 02.09.2014 and that one of the member is also on ex-Pakistan leave. The same application was received by the XEN PHE Nowshera on 08.09.2014 and the same is the return date of the second member enquiry Committee after the ex-Pakistan leave. Interestingly the Enquiry Report was filed on the following date i.e. 09.09.2014 and it appears that the Enquiry Report based the enquiry on the earlier Fact Finding Enquiry as suggested in the application. Moreover, the enquiry Committee did everything while sitting in office and had not visited the spot otherwise they would have collected the spot note duly sighed and themselves witnessed by locals.

F&G. Being not replied hence admitted.

H. Incorrect. No meaningful opportunity of hearing was offered by the competent authority and the so called meeting with Secretary Irrigation was against the requirement of law.

I. Incorrect hence denied. Only a partial enquiry has been conducted which is based mainly on the earlier fact finding enquiry. Moreover, the para has not been responded adequately which amounts to admission. It appears that the answering Respondents have no answer to the same, therefore, have camouflaged the answer to the para.

J. Incorrect. The appellant attached with the Scheme till May, 2010 and completed the same in all respect and no complaint was raised at that time. The appellant was transferred in May 2010 and after long 03 years due to political reasons the action was taken on the complaint of the concerned Minister of the

new political Government. Moreover, there is no nullah in the area rather it is a Dry *Khwar* and the work was done according to the requirements. It is incorrect that the flood had washed away the same otherwise the same fact would have been reported in the flood estimate for the year 2010. The incumbent Chief Engineer/Respondent No.3 namely Sanobar Khan was Superintending Engineer PHE Circle, Peshawar including District Nowshera at the time of flood but he did not report the loss at the time which by itself is a proof that the Scheme was not damaged by the flood nor he complained against the same. Moreover, the existence of some of the pipe has been admitted in the Para.

K. Being not replied hence admitted.

L. The enquiry was conducted unilaterally and initially the recommendations of the Committee were for the minor penalties but subsequently due to political pressure, the report was revised recommending major penalty.

M. Incorrect hence denied. The Reply of the answering Respondents is evasive as instead of the para irrelevant response has been given.

N. Incorrect. The pipe was installed according to specification and payment was made on completion of the work.

O. Being not replied hence admitted.

P. Incorrect. No action whatsoever was taken against the contractor rather the revised work was carried out by him.

Q. Incorrect and misconceived. The PC-IV was prepared after the completion of work according to standard specifications and Technical sanction (TS) and forwarded after the transfer of the appellant by his successors in the year 2010 and forwarded by the then Superintending Engineer namely Sanobar Khan presently Respondent No.3 to the Finance Department for approval which was approved. Respondent No.3 did not object to the same at that time being the Circle Superintending Engineer.

R. Being not replied hence admitted.

S. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents No.2-4 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Appellant

Through

Khaled Rahman
Advocate/Peshawar

Dated: 3 **/10/2016**

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

ANNEX III

preliminary Report to Chief. Engineer for requisite action.

RJ/1 (7) S/

PRELIMINARY REPORT ON WSS ASHA KHEL/ SADU KHEL

Water Supply Scheme Sadu Khel / Asha Khel were completed under umbrel project named "Construction of 10-No. Tube Well in District Nowshera", AI No.205/31339 (2009-10). The scheme was administratively approved for the cost Rs.147 Million. It is to mention that village Sadu Khel / Asha Khel is located at distance of 35-Km from District Headquarter Nowshera towards South.

Under the project it was proposed to construct a tube well at a community por which was successfully constructed and converted, Two No. of surface reservoirs, C for village Sadu Khel having capacity of 20000 gallon and 10000 gallon for village As Khel were constructed. Rising Main of Sadu Khel consisted of 4" G.I.Pipe 6500 Rft a 3" G.I.Pipe 5400 Rft, while for Asha Khel it was 3010 Rft 3" G.I.Pipe and 75 mm HD 1400 Rft. The Distribution System of Asha Khel as per estimate was 1.627 Million a for Sadu Khel the cost of Distribution System was 2.538 Million.

As per the site condition, it is reported that the tube well for the Water Sup Scheme Asha Khel / Sadu Khel is in operation and supply to the Asha Khel village i operation. The rising main of the Sadu Khel is missing at places and it is reported about 7600 Rft of rising main is missing. As per the record the rising main was laid later on due to non-provision of maintenance/operation staff the rising main was st and the same was reported to the concerned authorities. Similarly a major portio rising main was flooded away by heavy rains in July 2010 and damaged to the exte non-usage. While for the distribution system, it is to mention that the distribu system of Asha Khel is intact and for the Sadu Khel the pipe line system was colle and stored in Sadu Khel village by the contractor in order to avoid any incidenc theft.

Copies endorsed

- Administrative approval
- List of officers/officials completed the scheme, please.

Sub-Divisional Officer
Sub Division No-II
Nowshera

Executive Engineer
PHE Division
Nowshera

WATER SUPPLY SCHEME SADU KHEL / ASHA KHEL

8

RISING MAIN (M/s Juanid Group of Company) (SADU KHEL)

1st R/Bill Vr;No.38-N Dated 23-11-2009 = Rs.25,71,136/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Imtiaz Khan.

2nd R/Bill Vr;No.24-N Dated 18-2-2010 = Rs.4,26,513/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Imtiaz Khan.

3rd F/Bill Vr;No.150-N Dated 25-6-2010 = Rs.4,91,517/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Umar Hayat.

DISTRIBUTION SYSTEM (Sajjad Ahmad Jan & Co (SADU KHEL)

1st R/Bill Vr;No.39-N Dated 23-11-2009 = Rs.19,20,786/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Imtiaz Khan.

2nd R/Bill Vr;No.25-N Dated 18-2-2010 = Rs.6,13,381/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Imtiaz Khan.

SERFACE RESERVOIR 20000 GLS (Najeeb-ullah Govt;Co) (SADU KHEL)

1st R/Bill Vr;No.40-N- Dated 28-4-2010 = Rs.1,08,094/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Imtiaz Khan.

ANNEX - I

GOVERNMENT OF NWFP
WORKS & SERVICES DEPARTMENT
No.SO (Tech)W&S/3-21/2008
Dated Peshawar, the 25-05-2009

To

The Chief Engineer PHE,
Works & Services Department NWFP,
Peshawar

Subject: ADMINISTRATIVE APPROVAL FOR THE SCHEME

In exercise of the powers delegated vide para-I serial No.6 Second Scheduled of the Delegation of Powers under the Financial Rules and Powers of Re-appropriation Rules, 2001, the N.W.F.P, Provincial Government is pleased to accord the 3rd, Revised Administrative Approval for the implementation of the Water Supply Scheme titled "Construction of 10 Tube Well for Nowshera" ADP No. 222/31339 (2008-09), for the period as per phasing planned/approved in the PC-I at the total cost of Rs. 45.385 million (Forty Five million three hundred and eighty five thousand, only) with the following break-up.

Rs. In Million

S.No.	Name of Sub Schemes	3rd Revised Cost
1.	WSS Nizampur	1.319
2.	WSS Jalozai	2.192
3.	WSS Ziarat Kaka Sahib	5.903
4.	WSS Sadu Khel/Ismail Khel	4.093
5.	WSS Bakhtai	6.494
6.	WSS Dag Ismail Khel	2.693
7.	WSS Srin Khak	4.739
8.	WSS Gundheri	4.084
9.	WSS Khasari Lakari	4.986
10.	WSS Bahader Khel	1.880
	Total	45.385

2. The schemes were approved by the PDWP in it's meeting held on 18-04-2009. Minutes forwarded with the P&D Department's letter No. Chief/INF/P&D/170-01/09/1185-89/WE dated 23-04-2009.

3. The expenditure involved is chargeable to the functional-cum-object classification 05-Environment Protection-052-Waste Water Management-0521- Waste Water Management-05,7053- Works (Rural) Fund No. NC Direct under Grant No.48 (Capital), during the current financial year 2008-09, and would be incurred only on the items, activities mentioned in the approved PC-I, and would not exceed the allocation for any particular item/activity.

4. The Administrative Approval does not constitute any sanction to the design/rates provided in the rough cost estimate. The financial responsibility of the design/rates rests with the authority competent to accord technical sanction to the cost estimate.

5. The sanctioning authority shall allow appropriate rates after observing all codal formalities/standing instructions regarding schedule of rates and financial regularity. The work shall be taken in hand after release of funds and proper technical sanction of the cost estimate.

DEPTT:
F.P.
63
16/09

(MUHAMMAD RIAZ KHAN)
SECRETARY W&S DEPARTMENT

Copy to the:
1. Additional Chief Secretary P&D Department NWFP Peshawar.
2. Secretary to Government of NWFP, Finance Department Peshawar.
3. Accountant General NWFP Peshawar.
4. Director Planning & Monitoring Cell Works & Services Peshawar
5. Incharge Computer Section P&D Department NWFP Peshawar
6. Accounts Officer (Local) W&S Department NWFP Peshawar
7. Deputy District Officer (WS&S) W&S Department District Nowshera
8. Concerned file/DDWP meeting file

SECTION OFFICER (TECH)

10

PUMPING MACHINARY (H.M.A. PUMPS) (SADU KHEL / ASHA KHEL)

Ist & F/Bill Vr;No.4-N Dated 3-9-3007 = Rs.5,20,000/-

Executive Engineer	S.D.O.	Sub Engineer
Mr.Rehmat Ali.	Mr.Dilawar Khan.	Mr.Umar Hayat

TUBE WELL (SARWAR JAN GOVT; CONTRACTOR) (SADUKHEL/ASHA KHEL)

Ist R/Bill Vr;No.51-N Dated 22-6-2007 = Rs.5,27,695/-

2nd F/Bill Vr;No.80-N Dated 25-6-2007 = Rs. 22,421/-

Executive Engineer	S.D.O.	Sub Engineer
Mr.Rehmat Ali.	Mr.Dilawar Khan.	Mr.Umar Hayat

PUMP HOUSE (FAYAZ KHAN GOVT;CONTRACTOR) (SADUKHEL/ASHA KHEL)

Ist & F/Bill Vr;No.66-N Dated 25-6-2007 = Rs.1,18,564/-

Executive Engineer	S.D.O.	Sub Engineer
Mr.Rehmat Ali.	Mr.Dilawar Khan.	Mr.Umar Hayat

DISTRIBUTION SYSTEM (BAKTH & BROTHER) (ASHA KHEL)

Ist & F/Bill Vr;No.25-N Dated 21-12-2009 = Rs.7,61,164/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Umar Hayat

RISING MAIN (BAKTH & BROTHER) (ASHA KHEL)

Ist & F/Bill Vr;No.26-N Dated 21-12-2009 = Rs.7,02,517/-

Executive Engineer	S.D.O.	Sub Engineer
Mr. Nasir Latif.	Mr. Yousaf Jan	Mr. Umar Hayat

EXTERNAL / INTERNAL ELECTRIFICATION

Vr: No.14-N Dated 8-6-2010 (Capital Cost) =Rs.3,60,752/-

Vr;No.19-N Dated 8-6-2010 (Meter Security) =Rs. 16,000/-

VII

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT
NO. S.O (T)/PHED/3-21/2013-14
Dated Peshawar the 20th November, 2013

To

The Chief Engineer (South)
Public Health Engineering Department,
Khyber Pakhtunkhwa, Peshawar

RJ/2 (11)

Subject: REVISED ADMINISTRATIVE APPROVAL

In exercise of the powers delegated vide Para-I serial No.6 Second Schedule of the Delegation of Powers under the Financial Rules and Powers of Re-appropriation Rules, 2001, the Khyber Pakhtunkhwa, Provincial Government is pleased to accord Revised Administrative Approval for the implementation of the project **"Water Supply Scheme Doran District Nowshera** for the period as per phasing planned/approved in the revised PC-I at a cost of **Rs.25.972 Million (Twenty Five Million Nine Hundred Seventy Two Thousand only) under the ADP umbrella Scheme titled "Construction of Water Supply Schemes In Khyber Pakhtunkhwa" ADP # 212/120611(2013-14)** with the following break up.

S. No	Items	Cost (Rs. In Millions)
1.	Tube Well	2.330
2.	Pumping Chamber/Hut	1.399
3.	Surface Reservoir 10000 Gallons	0.555
4.	Pumping Machinery/Electrification	3.430
5.	Rising Main/Distribution System	14.542
6.	Collecting well/Infiltration Gallery	2.635
7.	Advertisement Charges	0.080
8.	Diversion Channel	0.116
9.	Approach Road	0.885
	Total	25.972

2. The Umbrella PC-I was approved by the PDWP in its meeting held on 08.11.2012 and the minutes were circulated by P&D Department Khyber Pakhtunkhwa vide letter No. Chief/INF/P&D/170-01/2012/3308-24 Dated 19.11.2012. Subsequently the above mentioned scheme was approved by the DDWP in its meeting held on 04.12.2012 and minutes were circulated by PHE Department vide letter No.SO(Tech)/PHED/3-25/2011-12 dated 13.12.2012 and Administrative Approval was issued on 01.01.2013 vide letter No. SO(Tech)/PHED/3-21/2011-12.

3. The revised scheme was approved in DDWP meeting held on 06.09.2013 and minutes were circulated vide letter No. SO(Tech)/PHED/3-25/2011-12 dated 13.09.2013.

4. The expenditure involved is chargeable to the functional-cum-object classification 05-Environment Protection-052-Waste Water Management-0521- Waste Water Management-052102- Works (Rural) Fund No. NC 12060) under Grant No.52 (Capital), during the current financial year 2013-14, and would be incurred only on the items, activities mentioned in the approved PC-I, and would not exceed the allocation for any particular item/activity.

5. The Administrative Approval does not constitute any sanction to the design/rates provided in the cost estimate. The financial responsibility of the design/rates rests with the authority competent to accord technical sanction to the cost estimate.

6. The sanctioning authority shall allow appropriate rates after observing all codal formalities/standing instructions regarding schedule of rates and financial regularity. The work shall be taken in hand after release of funds and proper technical sanction of the cost estimate.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

Copy is forwarded for information and n/a to the:
1. Additional Chief Secretary P&D Department Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Chief of Section (INF) P&D Department Khyber Pakhtunkhwa, Peshawar.
5. Director Planning & Monitoring Public Health Engineering Department Peshawar.
6. Superintending Engineer Public Health Engineering Circle Peshawar.
7. XEN Public Health Engineering Division, Nowshera.
8. Incharge, Computer Section P&D Department Khyber Pakhtunkhwa Peshawar.
9. Section Officer (B&A) PHE Department Khyber Pakhtunkhwa Peshawar.
10. Concerned file/PDWP meeting file.

SECTION OFFICER (TECH)

O/C

20/11/12

RJ

WSSP

OFFICE OF THE GENERAL MANAGER (OPERATIONS),
WATER & SANITATION SERVICES PESHAWAR,
LOCAL GOVERNMENT COMPLEX, KHYBER PAKHTUNKHWA.

Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad,
Phone No# 091-9217863

No. 110-114 /GM (Ops)/1-E Dated: - 02-09-2014

The Secretary,
Public Health Engg: Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -INQUIRY REGARDING IRREGULARITITIES COMMITTED IN WATER SUPPLY SCHEME ASHA KHEL SADU KHEL NOWSHERA.

Reference: - Your office letter No. SO (Estt) / PHED/ 8-26/2014 dated 27th August 2014.

Kindly refer to your letter under reference and it is submitted that the incumbent Executive Engineer, Public Health Engineering Division, Nowshera was requested vide Project Director, Bazai Irrigation Project, Mardan letter No. 1730/PD/Bazai/14/6-E dated 03-07-2014 through courier service to provide copies of the relevant documents and details. Reminder letter was issued to the Executive Engineer, Public Health Engineering Division, Nowshera vide Project Director, Bazai Irrigation Project, Mardan letter No. 1780/PD/Bazai/14/6-E dated 05-08-2014. In the above referred letter dated 03-07-2014, your office was also requested to nominate the Executive Engineer, Public Health Engineering Division, Nowshera as focal person and direct him to provide us the relevant information at the earliest. In response your office nominated Executive Engineer, Public Health Engineering Division, Nowshera as the focal person vide your office letter No. SO (Estt) / PHED/ 8-26 /2014 dated 11-07-2014. His office has not yet provided the requested information till date to the members of the inquiry committee.

The nominated focal person/Executive Engineer namely Shada Muhammad, Public Health Engineering Division, Nowshera had earlier assisted the committee during the initial initiation of the inquiry. He was personally contacted by the undersigned during the month of July 2014 and was directed to provide the details requested in the above refer letter, who in response requested that due to the Ramadan and extreme hot weather it shall be very difficult to collect the field data therefore the same shall be provided after the Eid ul Fiter holidays. Later on he was contacted once again by the undersigned and he narrated that he has been transferred from Nowshera and the Sub Divisional Officer who accompanied the

(13)

inquiry committee during our earlier proceedings of the submitted inquiry has also been transferred from his post. It seems that the new incumbent officers have not been made aware of the pending important official tasks that needed prompt and timely response. The previous officers who can be categorized as witnesses have been transferred and the incumbent Executive Engineer has not taken up the responsibility of being the focal person for the inquiry committee. The incumbent officer ie. Executive Engineer, Public Health Engineering Division, Nowshera should have responded to the letters of the undersigned in the due course of time. It is requested that he may be directed to respond promptly to the inquiry committee and provide the relevant details/certifications without further delay.

It has now been learnt through personal contact that the other member Mr. Manzoor Ahmed, Director Transport has proceeded on Ex-Pakistan leave probably till 2nd week of September 2014 due to which the undersigned would like to seek advice whether the inquiry should be finalized on the previously available record single handedly which can be done within a week's time or shall wait for the return of the worthy member of the inquiry committee.

In case if it is advised that the inquiry may be finalized after the arrival of the other member then it is once again requested that the incumbent Executive Engineer, Public Health Engineering Division, Nowshera may be strictly directed to provided the requested details/certification without further delay so as to conclude the assigned task as soon as possible.

As requested the undersigned shall finalize the inquiry as soon as possible after receiving the necessary advice from your office please.

Sd/-
Engineer. Nasir Ghafoor Khan,
General Manager (Operations).
Cell # 0314 906 1283.

Copy is forwarded for information to the:

- Secretary to Government, Khyber Pakhtunkhwa, Irrigation Department, Peshawar.
- Mr. Manzoor Ahmed, Director Transport, Khyber Pakhtunkhwa for information.
- PS to Minister for PHE Khyber Pakhtunkhwa, Peshawar.
- Executive Engineer, Public Health Engineering Division, Nowshera for necessary action at the earliest.

01/09/14
Engineer. Nasir Ghafoor Khan,
General Manager (Operations).

SDO II
Discuss.

FATA SECRETARIAT

(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)

WARSAK ROAD PESHAWAR

Establishment Section

For Appellant

NOTIFICATION:-

No.FS/E/PF/1-74/2014/15988-96 On his selection by the Khyber Pakhtunkhwa Public Service Commission Peshawar, the competent authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to appoint Mr. Noor Saeed Khan S/O Nizam Khan resident of Village Khourgie Akhundan FR Bannu as Subject Specialist (Statistics) in Elementary & Secondary Education Department Khyber Pakhtunkhwa in BS-17 (Rs.16,000-1200-40,000) plus other usual allowances as admissible under the rules with immediate effect on the following terms and conditions:-

TERMS & CONDITIONS:-

i. The above post, for all intents and purposes, shall be within the definition of Civil Servants and he shall be entitled for GP Fund, Pension and Gratuity.

ii. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and rules framed thereunder.

iii. He will be governed by such rules and orders relating to leave, T.A and Medical Attendance as may be prescribed by the Government.

iv. He will be on probation initially for a period of one year extendable upto one year.

v. His services will be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if his work during this period is found unsatisfactory. In such an event, he will be given one month's notice of termination from service or one month's pay in lieu thereof.

vi. His seniority will be determined in accordance with the merit assigned by the Khyber Pakhtunkhwa Public Service Commission.

vii. He will be governed by the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011 and Government Servants (Conduct) Rules 1987 and any other instructions which may be issued by the Government from time to time.

viii. In case he wishes to resign at any time, a month notice shall be necessary or in lieu thereof, a month's pay shall be deposited.

ix. He will not be entitled to any TA/DA on appointment.

2. In case the above terms and conditions are acceptable, an **UNDERTAKING** to this effect on a Bond worth Rs.30/- signed and duly attested by the Oath Commissioner should be produced in Administration, Infrastructure & Coordination Department FATA Secretariat within a month time.

3. If the above terms and conditions of appointment are acceptable to him, he should report to Administration, Infrastructure & Coordination Department FATA Secretariat for duty within 30 days on the receipt of this Notification failing which the appointment shall be deemed to has been cancelled.

ADDITIONAL CHIEF SECRETARY (FATA)

Contd...Page-2

Dated 20/10/2014
Copy to:-

1. Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa
2. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa
3. Accountant General Khyber Pakhtunkhwa
4. Additional Accountant General (PR) Sub Office Peshawar
5. Director Education (FATA
6. PS to Chief Secretary Khyber Pakhtunkhwa
7. PS to Additional Chief Secretary FATA Secretariat
8. PS to Secretary (Admn, Info: & Coord) Department FATA Secretariat
9. Individual concerned

(JIBREEL RAZA)
Section Officer (Estab

For Appointment

Male Subject Specialist Statistics (BPS-17) In Elementary And Secondary Education Department. (Advt: No. 04/2013)

Interviews for these posts were held. The following qualified candidates are to be recommended to the government for appointment subject to verification of their documents / domiciles etc by the Elementary and Secondary Education Department. If any discrepancies, found at any stage, the selection / recommendation of the candidate will be cancelled accordingly.

S.No	Name with Father Name	District
1	Abdul Hamid S/O Inzar Gul	Swat/3
2	Ali Shah S/O Mian Shah Laban	Swat/3
3	Asif Khan S/O Noor Muhammad	Mardan/2
4	Asif Ullah S/O Safeer Ullah	Peshawar/2
5	Aurang Zeb Khan S/O Nawar Khan	FR Bannu/1
6	Ayaz Gul S/O Awal Gul	Karak/4
7	Fazal Akbar S/O Amin Gul	Moh: Agy/1
8	Hidayat Ullah Khan S/O Bakht Malook	Swat/3
9	Irfan Ullah S/O Amanullah	Peshawar/2
10	Jamshid Khan S/O Sar Anjam Khan	FR Bannu/1
11	Kifayat Ullah S/O Muhammad Iqbal Khan	Swat/3
12	Kifayat Ullah S/O Sabz Ali	Nowshera/2
13	Mian Rahman S/O Ghulam Noor	Malakand/3
14	Miskeen Khan S/O Haya Khan	Moh: Agy/1
15	Muhammad Asif Khan S/O Muhammad Miskeen	Mansehra/5
16	Muhammad Azam Khan S/O Muhammad Zahir Khan	Dir/3
17	Muhammad Kamran S/O Asad Khan	Peshawar/2
18	Muhammad Naveed S/O Muhammad Bashir	Abbotabad/5
19	Muhammad Tufail S/O Muhammad Aslam	DI Khan/4
20	Mukhtiar Ahmad S/O Hazarat Umar	Mardan/2
21	Mumtiaz Khan S/O Muhammad Amir Khan	NW Agy/1
22	Naqeeb Ahmad S/O Saeed Ahmad	Dir/3
23	Noor Saeed Khan S/O Nizam Khan	FR Bannu/1
24	Noor Zaman S/O Gul Mir Khan	Karak/4
25	Rambil Khan S/O Mian Gul	Peshawar/2
26	Sajjad Ahmad S/O Fazli Rabbi	Swabi/2
27	Shafi ur Rehman S/O Said Rehman	Tank/4
28	Shakir Ali S/O Muhammad Ishaq	Peshawar/2
29	Shoukat Zeb S/O Alam Zeb	Mardan/2
30	Wajid Ali S/O Muhammad Irshad	Abbotabad/5

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1456 /ST Dated 5 / 6 / 2017

To

The Secetary Public Health Enginering Department ,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 230/2016, MR. IMTIAZ MOHUAMMAD.**

I am directed to forward herewith a certified copy of Judgement dated 10.5.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.